A FURTHER IUSTIFICATION OF THE PRESENT WAR AGAINST THE United Netherlands.

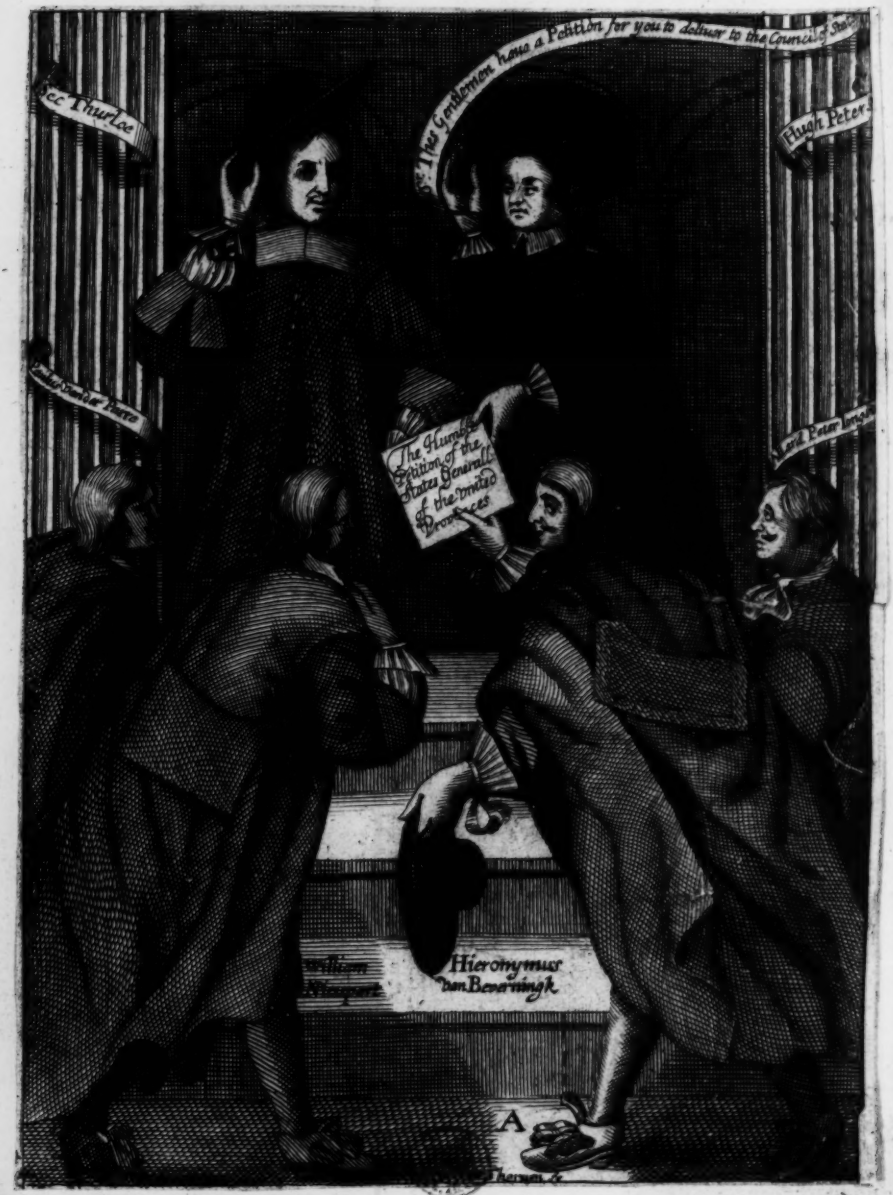
Illuſtrated with ſeveral SCULPTURES.

By *Henry Stubbe*, a lover of the Honour and Welfare of old *ENGLAND*.

Everard. Reidan. Annal. Belgic. lib. 17. A. D. 1600. Decretum Ord. General. adverſ. Groninganos. *Quod ad pactiones & fœdus toties ruptum provocarent, abſurdum nec audiendum, neque vitio Patribus vertendum eſſe quod ſecuritati rerum ſuarum conſulere velint.*

LONDON,

Printed for *Henry Hills*, and *John Starkey*, and are to be ſold at the Sign of the *Miter* near *Temple-Barr*, in *Fleetſtreet*, MDCLXXIII.


Sr. These Gentlemen have a Petition for you to deliver to the Council of State
Mr Thurloe
Hugh Peter
The Humble Petition of the States Generall of the United Provinces
Hieronymus van Beverningk
A

The Contents of the Epiſtle to the READER.

THe *reaſon why this* Treatiſe *is called the* Apology *of the* Parliamentarians.

The Inſolence *of the* Dutch *againſt the* Parliamentarians *in particular.*

An account of the Loeveſteine-faction; *the powers of the* Stateholder, *and* Advocate *of* Holland.

A Relation of the folly *of* John de Wit *in ſubverting the* fundamental Government of the United Provinces.

The Contents of the Preface, unto the loyal Subjects of His Majeſty.

THe *neceſſity of writing the enſuing Treatiſe, for the full ſatisfaction of the King's Subjects, about the lawfulneſs of the preſent War.* pag. 1

Several juſt and approved Cauſes of War, which yet His Majeſty did not inſiſt upon. p. 1, 2

A true and full account concerning the true grounds of this War, and how it was unavoidable on the part of His Majeſty. p. 2, 3, 4, 5, 6, 7, 8, 9

Reaſons why the League betwixt England *and* Holland *was not endeavoured (nor ought) to be renewed, after its violation.* p. 9, 10, 11, 12, 13, 14

What adviſe Q. Elizabeth *would have ſuggeſted in the caſe.* p. 15, 16, 17

Arguments againſt the Neutrality of England, *during the War betwixt* France *and* Holland. p. 17

Arguments for the Engliſh *to combine with* France. p. 17, 18, 19

Two Objections againſt the Alliance with France, *urged by an unknown* Caſuiſt, *and fully anſwered.* p. 20, 21, 22, 23, 24, 25, 26

The regard which His Majeſty ſtill preſerved for the ſecurity of Flanders, *according to the Triple Alliance.* p. 26, 27

The prudence of His Majeſty in tranſacting the League with France *with ſo much Secrecy.* p. 27

The prudence with which His Majeſty penned, and ſigned the Declaration for liberty of Conſcience, *March* 15. 167½. *The* parallel proceedings *of the primitive Chriſtian Emperors, during the fourth Century. That 'tis the intereſt of the Church of* England, *that* Liberty of Conſcience *be granted at preſent:*

That the Christian Church at first was setled by such contrivances as His Majesty now pursues: That His Majesty hath in that Declaration *provided better for the security of the* Church of England, *than the antient Emperors did for* Christianity *in their times: And consequently, the* Church of England *is in no danger to be subverted by the present* Indulgence. *That the present* Indulgence *is consonant to* right reason of State, *and not repugnant unto* civil Policy, *or likely to prove* destructive to the Government. p. 27. *unto* p. 73

A confutation of some assertions relating unto the Dominion of the Sea, *tendered to the Parliament in* 1640. p. 76

Certain projects of Q. Elizabeth, *whereby she advanced the* Honour *and* Trade *of* England. p. 83

An Exhortation unto the English *to be* Unanimous *and* Courageous, *notwithstanding the troublesom condition of* Europe. p. 87

The Contents of the Apology.

THE Apology *of those that were* unhappily *engaged in the service of the* pretended *Commonwealth, and* O. Cromwell, *for the King's Majesties* Declaration *and* Proceedings *against the* United Provinces.

The Congratulation of the Parliamentarians *for, and their brief vindication of the* Declaration *of* March 15. 167¾. p. 57

Though the Dutch *were* Protestants, *yet this War is* lawful. p. 58

The Right of the Flagge, *a just cause of War with the* Dutch; *the demands of the* Parliamentarians, *and the* Dutch *concessions about* it *heretofore.* p. 58. 59, 60, 61

The English Channel *not the sole* British Sea. p. 61, 62

The demands of the Parliamentarians *concerning the* Fishing; *the debate betwixt* them *and the* Dutch *about the* Right of England *thereto.* p. 62, 63, 64, 65, 66

The villanous *composition made betwixt* Oliver *and the* Dutch *about the* said Points, *and against His Majesty.* p. 66

The King's interest in the English Planters *at* Surinam *asserted.* p. 67

The Barbarity *and* Insolence *of the* Dutch *towards the* English *in the* East-Indies. p. 67, 68, 69

A parallel *betwixt the* indignities *done to* His Majesty, *and those put upon the* Parliamentarians *formerly; the defence of the* Parliamentarians *for their* Resentments *thereof.* p. 67, 70

The perfidiousness *of the* Dutch *illustrated at large.* p. 70, 71, 72, 73, 74, 75

An

An account of the Dutch *Religion.* p. 75, 76, 77

The Parliamentarians *reſolve that* no ſecure peace can be made with the *Hollanders*, except they ſubmit to a Coalition, or be reduced to an incapacity of hurting *England.* p. 77, 78

An account of the Treaty betwixt the Parliamentarians *and* Hollanders.

The States of Holland *and* Weſt-Friſland *confeſs their errors in fighting againſt* England. p. 78, 79

The Parliamentarians *reply; and how they out-witted the* Hollanders. p. 79, 80

The Parliamentarians *refuſe unto the* States General *the Title of* High *and* Mighty; *and they diſcontinue it.* p. 80, 81

Hugh Peters *intercedes for the* Dutch; *the voluntary proffers of the* Dutch; *they (amidſt their ſolemn profeſſions of* Love *unto the* Rump) *perſwade* Cromwell *to depoſe* them, *and then* cheat him. p. 81

The Council of State *beats the* Dutch, *and makes them proceed by way of* Humble Petition. p. 82, 83

The ſtark loving-kindneſs *betwixt the* Dutch *and the* Council; *and their* joint concern *for the* Glory of God. p. 84

The Council *demands that the* Dutch *ſubmit unto a* Coalition; *the reciprocal Arguments about it.* p. 84, 85, 86, 87, 88, 89, 90

The Dutch *refuſe all* Coalition, *and depart; the ſenſe of the* whole Nation, *and particularly of the* Fifth-Monarchiſts *concerning* them. p. 91, 92

The diſtreſſed condition of the Hollanders; *their* Petition *and* ſubmiſſive Memorial *unto the* Fifth-Monarchiſts. p. 92, 93, 94, 95

The Dutch *are hated and ſcorned.* p. 96

Effectual projects to curb the inſolence of the Dutch. p. 97

Cromwell's *diſſimulation with the* Dutch. p. 97, 98

The Dutch *temporiſe with the* Commiſſioners. p. 98, 99

A Preamble *and* draught of Articles *tendered by the Commiſſioners.* . . 99, 100, 101

The exceptions of the Dutch *thereunto; their* Papers *ſlighted.* p. 101, 102, 103, 104, 105, 106, 107, 108

The Dutch *and* Engliſh *do again debate the point of* Coalition. p. 108, 109, 110

The Dutch *perſwade* Cromwell *to diſcard the* Fifth-Monarchiſts, *and to aſſume the* Government: *their* Promiſes *and* Submiſſions *unto* him. p. 110, 111

Cromwell *betrays the* Engliſh *intereſt unto the* Dutch; *and yet is cheated by*

by them *ſeveral times before the* Concluſion *of the Treaty.* p. 111. *unto* p. 117
Both Parties agree to omit the general concernment of Religion. p. 117
The Dutch *obſerved not* that Peace. ibid.
A large Memorial *penned by the pretended* Parliament of the Commonwealth of *England, concerning the Engliſh* Rights *to the* Flagge, Dominion of the Sea, *and* Fiſhery; *with the Importance* thereof. p. 118, *&c.*
A Relation concerning the paſſages of Amboyna; *and how* Cromwell *connived at the* Actors, *contrary to* his own Articles. p. 134, *&c.*

The Sculpture A. *is to be placed before the* Title-Page. B. *page* 3. C. D. *page* 124. E. *page* 134.

THere are ſeveral proofs in the *Preface*, and ſometimes *elſewhere*, which the *Printer* for his convenience, hath placed *together*, whereas *they* relate to paſſages *not oppoſite to them*: but the inquiſitive Reader will find that the citations in *each page* do fully prove the *Text*.

To the Reader.

Reader,

I *Could not well diſcharge* my promiſe *concerning the publiſhing of the* Speech *of Mr.* St. Johns *at the* Hague; *the Copy which I had was ſo* imperfect *in* names, places *and* Sums, *mentioned and demanded, that I would not injure* ſuch a piece *by exhibiting* thoſe fragments, *and I have not been able by any induſtry to ſupply* that deficiency. *But I think I have ſufficiently* recompenced *that* omiſſion *by bringing to light the* Narrative *of the* Treaty *betwixt* England *and the* United Provinces *in* 1653. *In which if it appear that* Cromwel *was not ſo* wiſe *as the world apprehended* him *to be, nor ſo* honeſt *as ſome of his* Partiſans *would now inſinuate, who is to be blamed? It hath been obſerved that* Uſurpers *and* Tyrants *do always fix upon ſome* particular Projects *whereby to endear* their Government *to the people. Thoſe* ſubtle men *who ruled in the* Council of State *and pretended* Parliament, *did purſue thoſe courſes, and eſteemed nothing more* beneficial, juſt, *and* generous (*great conſiderations with* Engliſh Spirits) *than to aſſert the* Dominion of the Seas, *the* Rights of the Fiſhery, *and to* vindicate the Engliſh commerce thorough all parts of the world. *They did rightly apprehend that the* ſtrength of this nation conſiſted in Naval forces; *and the* life *thereof was* Commerce: *It is true that* Trading *furniſheth the Land with* Riches, *and* Sea-men; *but it is likewiſe certain, that the*

the Trading *can never be managed* ſecurely *without a* conſtant Naval force, *wherein whoſoever is* moſt powerful, *He becomes immediately* maſter of the Seas *and of* Trade. *Our* Rich Commerce *cannot be diſcontinued* in time of war *without ſo great prejudice, that I cannot reckon upon* that navigation *as a* Seminary *of* Seamen: *of our* inferiour Commerce *what have* we *but the* Colliery, *and Fiſhing of* New-found land, *which may be reckoned upon* to the purpoſe aforeſaid; *and both of* theſe *yield us not a* proportionable *number of* Seamen, *to what the* Dutch *have*; *nor will* they *prove good* Coaſters, *or half man our* Ships, *ſhould we (as we cannot) even diſfurniſh our* Colliers *and* Fiſhermen. *It remains then that* we muſt *either retrive the* Fiſhery (*which is the grand* Seminary of Mariners *in the* United Provinces, *and whereby* they *far exceed* us) *or abandon our ſelves to* deſpair, poverty, *and perhaps* protection of our puiſſant neighbours. *This that* Council of State *moſt prudently foreſaw, and therefore readily embraced that occaſion of a war which the* Treachery of the Hollanders *did preſent* them *with: and you will* here ſee *that* their opinion *was, that* there was no confidence to be put in any League or Union with thoſe people, *except they were united to* us *by a* Coalition, *or* confined *by very* rigorous Articles, *ſo as that they might never be* Competitors *with the* Engliſh *for* ſtrength, *or* renown. *I thought the* deſigns *of* his Majeſty *could not be better* juſtified *unto* his enemies (*if* he *have any ſuch in* England; *which is but a* Dutch *tenet*) *then by ſhewing that the* intendments *of the* Court *are the ſame with thoſe of the* Council of State, *and thoſe the moſt* popular, advantageous, *and* neceſſary *for* this Nation *in* this juncture, *that can be put in execution. I call* this Treatiſe *an* Apology of the Parlamentarians for His Majeſties Declaration: *Becauſe it is extracted out of the* Declaration *and* other papers *printed, or Manuſcript, which* that party *did pen in* thoſe times. *I do value* the writing *upon the* certainty *of the* Allegations: *I have followed the moſt* authentick Memorials, *and the* beſt intelligence *I could attain to*; *and particularly I muſt ſay of* Leo ab Aitzma, *that his credit is equal to that of Mr.* Ruſhworth *in* England; *he negotiated for the* Dutch *here at* that time, *and tranſcribed* His Book *out*

of

of the Originals *of* Holland. *The other* Authors *which I cite, are generally the* best that have writ on those subjects, *be they* Historians, *or* Politicians. *The* marginal notes *and* proofs *were all added by* me, *even in that eminent* Memorial *which is here added at the* end; *the which I was forced to alter much, that it might be* compleat *as it is. I had another motive to publish to the world* this Treatise *as an* Apology *for* that party, *which may induce* them *to prize it: for the* Dutch *have proclaimed* them *in* print *to be the* veriest Rogues *the world did ever produce*, two-legged wolves, that carry sheep-skins on their backs, Bibles in their hands, and dissimulation in their hearts: a sort of men that worship a Deity called preciseness, the mother whereof was superstition, the God-mother Hypocrisie, and the Nurse ambition. *They say the* Parlamentarians were their Eleemosynaries, *that* having got a vast Collection in the United Provinces *A. D.* 1644. for the relief of the Irish protestants, they turned it to their own use, ruined their king, and then quarrelled with their Benefactors, and of ingrateful Alms-people, turn'd barbarous Pirates: *that* they neither shewed valour or conduct in that war, nor acted any thing that might eclipse the renown of the Dutch. *That* it was no wonder *if* six English men of war did take one Hollander; but that one Hollander with eight guns and two and twenty men should fight three Flag-ships of England for eight hours, and after that escape by running on ground, this is a miraculous fortitude: yet did this happen in September. *Assist me*, Gallant Fanaticks, *but with the name of this* Argo-naut, the year *and* the day; *for* my Author *doth not: and consider with* your selves *to what degree of* misery *you are to bring an* Hollander, *that* you *may abate* his insolence. *I think* you *reduced them to a* low condition; *I think the* Council of State *did* treat *with them as they deserved, and in* their Articles *proposed nothing but what was* reasonably *to be demanded from* Hollanders: *But the* villanous Ambition *and* folly *of* Cromwel *did subject* you *to* these abuses, *and those that professed such* implacable love *towards* you *during the* Treaty, *published* these things *after the* Peace. *Mingle then* your concerns *with those of* His Majesty, *and the* Nation; *revenge* your own indignities *as*

M. Schoockius *de imperio maritimo c.* 30. *urgent apud plebem cultum cujusdam divæ, quæ precisitas vocatur, cujus mater est* superstitio, *susceptrix* Hypocrisis, *& nutrix* Ambitio---Bipedes Lupi, *qui induerint* pelles ovillas, *& impiis injustisq; suis armis* Biblia *sociaverint.*

Id ibid. c. 27. *Ipsi enim armati* nostris *primo* eleemosynis *(anno* 1644 *per has provincias pro afflictis quasi* Hibernis *collectis) in suum regem &c.*

 well

well as thoſe of the King, Court, Parliament, *and* Realm; *beat them a* third time, *that* they *may at length confeſs* they were once well beaten. *I need not to excite* you *by any* greater examples *then what Sr.* John Harman *and others of* your friends *continue to give* you; *and an* Engliſh Spirit, *whatſoever his* perſwaſion *be, needs no arguments to excite* his valour, *where* indignities *are offered. Theſe are the* ſame Enemies *which the* Parlamentarians *did heretofore contend with, the* Subject of the quarrel is *the* ſame, *there is the ſame* juſtice *therein that was formerly, the* Government *is only varied to a* Monarchy *under which they poſſeſs their former* Indulgence; *It behoves them* now *to convince the* Dutch *by new* atchievements, *and* redoubled fervour, *that* they were no leſs valiant, then fortunate; *and to ſatisfie* His Majeſtie *that* they are not factious, *but deſerve the* favours *they now enjoy.*

I had forgot to tell the Reader *one thing, which is, that the* Dutch *and* Engliſh *Memorials and* Narratives, *do differ in* their dates, *not only in the* old *and* new Styles, *but otherwiſe* two, *or* three days; *ſo that if any perſon ſhould endeavour to invalidate* this Treatiſe *upon ſuch* trivial exceptions, *I confeſs* thus much, *and deſire any man, who can, to amend* ſuch miſtakes, *which are not much material to the* grand controverſies.

This enſuing Treatiſe *was written long before the* late revolutions *in* Holland *and the death of the two brothers* Cornelius *and* John deWit; *and whatſoever* therein *doth reflect upon the* treacherous deſigns *and* villany *of the* States general *and* People, *it is to be applyed unto the* Loveſtein faction, *which hath always* preſided, directed *and* ſwayed *in the* Councils *and* Determinations *of the* United Provinces, *partly by* Artifice *and* popular inſinuations, *partly by the* intereſt *of the Province of* Holland. *For the better underſtanding of* this affair, *it is requiſite that I deduce the Hiſtory of* that faction *from its* firſt original, *whereby it will appear that the* Engliſh *have juſt cauſe to deteſt the* Memory *thereof, and the* Dutch *good reaſon to impute* thereunto *the* Odium, Infamy, *and* Calamities *under which* they *at preſent ſuffer, and upon the* ſenſe *whereof the* Burghers *of the* Hague *did ſo* barbarouſly *murther thoſe* two inſolent criminals. John Olden Barnevelt *was born at* Amersfort

in

in the Province of Utrecht; *his* Extraction *was* mean, *but ſuch* his inſinuation, *ſo* popular *his* addreſs, *ſo* ready *his* wit, *ſo* great *his* prudence, *ſo* extraordinary *his* Learning *in the* Civil *and* Municipal Laws, Uſages *and* Records *of his* Countrey, *that, having ſpent ſeveral years at* Lovain, *in* France, Italy, Germany, *and* Switzerland, *at his return the Province of* Holland *entertained an high reſpect for* him, *and* He *was much reſorted unto, being one of the* Advocates *at the* Hague: *when the Count* vander Marck *had ſeized the* Brill, *and that the reſt of* Holland *began generally to embrace the party of the Pr. of* Orange, *he was one of the three* Advocates, *who in the year* 1572. *firſt acknowledged the* proſcribed Prince *to be the* lawful Governour *of* Holland. *He had no* averſion *for* Popery; *his* wife *was of that* Religion. He *conteſted with* Leiceſter *and the Proteſtant party in the* Netherlands *for an equal toleration of the* Romaniſts *&c. But he was ſo fierce an* Enemy *to the* Roman Eccleſiaſticks, *that the* Spaniards *formed particular deſigns againſt* him, *who by his* niceties *in* Law *diſturbed the* civil power, *and animated the* people *unto thoſe* outrages *whereby their* Church, *and* Church-men *were deſtroyed. Having ſignalized* himſelf by *this demeanour, he was choſen* Councellor *and* Penſioner *for the City of* Roterdam *A. D.* 1576. *The which office* He *executed with ſo much* Zeal *for the* general liberties *of his* Countrey, *and of* Roterdam *particularly; he ſo* ſtudiouſly *careſſed the* Burgomaſters *and* populace, *ſo fervently did he perſwade* his maſters *of* Holland *to ſeize upon all* Church-lands, *ſo* vigilant *was* he *that the* Magiſtrates *in each* Province *and* City *ſhould preſerve their* Soveraignty *over the* Proteſtant Clergy, (*by* placing *and* diſplacing *them at pleaſure, and confining* them *to* preach *as the* Magiſtrates *pleaſed*) *that* he *gained the* repute *of a moſt worthy* Patriot *in* Holland *and* Weſt-Frieſland. *His* Councils *and* Actions *always ſhewed* him *to be implacable againſt the* Spaniards, *and he pretended a* great devotion *to the Houſe of* Orange: *in* 1579 *he was zealous for the contracting that* everlaſting Union *at* Utrecht: *At which time the* Provinces *had not caſt off* all obedience *to the King of* Spain; *the Prince of* Orange *was Governour or* State-holder *of* Holland, Zealand *and* Utrecht *by vertue of a* Commiſſion *from the* King; *in* his

name, *and for* his ſervice *all things were* ſaid *to be done by the* United Provinces. *Notwithſtanding that by* this Union *Art.* 9. No agreement for truce, or peace, or war, was to be undertaken but by common conſent: *And notwithſtanding another* League, *or* Union, *particularly contracted betwixt* Holland *and* Zealand, *for their acting* joyntly *and by* communication of councils *in* 1575, 1576. *This* Barnevelt-*faction deſigning to erect themſelves into a* Republick, *did take a* reſolution, *and* privately *ſware amongſt themſelves, that they would never acknowledge the king of* Spain *for their* Soveraign, *pretend* his authority, *or make uſe of* his Seals: *whereby through an* immutable negative Suffrage *of* that Province *the reſt were involved in a* perpetual revolt. *This* determination *was made, and they abſolved one another from the* Oath of Allegiance, *without the conſent of the* other Provinces, *and a good while before that the* Deputies *of* Holland *could perſwade* Zealand *to conſent* thereunto. *It was decreed by* Holland *and* Weſt-frieſland *April* 19. 1581. *whereas the* States General *did not before* 1582. *declare that the king of* Spain *had forfeited his right and Dominion over thoſe countries, and all princely authority ceaſing* in him, *thereby was conſolidated into the* Eſtates, *and the* whole Soveraignty *devolved to the* States of the reſpective united provinces. *Hereupon the Pr. of* Orange *from a* Spaniſh Governour *became ſubordinate* to them, *and derived* his Commiſſion *of* State-holder *and* Captain-General *from* their Authority. *I ſhall not mention what the* ſaid faction *did in oppoſition to the Archduke* Matthias, *and the Duke of* Anjou, *whereby they enervated* their authority; *always acting* ſeparately *and* clandeſtinely *from the reſt of the* Union. *It is an* acknowledged *caſe, that the Province of* Holland (*being ſwayed by the faction of* Barnevelt) *were averſe from the* incorporating their Province *with the Realm of* France, *and had* that king *ſeriouſly inclined to accept* the overture, *he would have found* ſuch private reſtrictions *on the part of* Holland, *as would have fruſtrated* the negotiation; *indeed* they *were* contrary to the conditions *which the* ſame province *had aſſented unto in the* Aſſembly of the States General. *Neither was* Barnevelt *better inclined unto* Engalnd, *in reference to any* real ſubjection *thereunto: It was never the*

Deduct. ord. Holland. part 1. *c.* 4. *ſect.* 1. & *s.* 3. *ſect.* 4.

Leo ab Aitzma's notable revolutions. p. 166.

Deductio ordin. Holland. part 1. *c.* 4. *ſect.* 7. & *c.* 5. *ſect.* 22.

intention

intention of that party *to return under* any Monarchy, *and whatever* he *(as one of the* Deputies*) protested* upon his knees, *whatever* he ſigned unto, *it was* his purpoſe *only to engage the* Queen *to* their protection, *and to involve* Her Majeſty *in a war with* Spain, *and thence to derive all the* ſtrength *and* profit *imaginable, without ever ſubmitting unto* her, *or to the Crown of* Spain.

In that Treaty with Q. Elizabeth in 1585. He *(with the reſt) told the* Queen, *that the* revenues of the Provinces were much leſs than they were, *thereby to draw from* her *the* greater ſums; *And whereas it was covenanted betwixt the* Queen *and the* States, *that the Earl of* Leiceſter *ſhould continue* all *ſuch in* their employments, *which* he *ſhould find* already preferred, *this* Barnevelt *did ſolicite the* States *of* Holland *and* Weſt-Frieſland, *that* they *and alſo* Zealand *would chooſe Grave* Maurice State-holder *before the arrival of the* Earl, *thereby to diſappoint* him *of that* Government, *at which* he *aimed, and unto which by a cuſtome received in* Brabant *the* Earl *might well pretend.* He *did alſo further contrive that Grave* Maurice *ſhould be dignified with the* Title *of* Prince, *though* it *did not* of right *appertain unto* him, *he not being the* Heir, *but* Adminiſtrator *of the* Principality of Orange, *during the impriſonment of his elder brother,* Philip William, *in* Spain. *Both theſe actions the* Queen *(being already* engaged*) did think fit to diſſemble, though the* Earl *did not conceal* his reſentments, *but conſtrued* the one *as a* diminution of his power, *and the other as a* leſſening of his eſteem and glory. *The* Election *of Grave* Maurice *to the ſaid* State-holdersſhip *was purely a* provincial act, *he had not any Commiſſion from the* Generality, *yet he had thereby the diſpoſal and managing of the affairs of* war *by land in* Holland *and* Zealand, *and particularly the beſetting or garriſoning of all* Cities *and* Forts *of thoſe* Countries, *by the advice of the* States *thereof, or their* Commiſſioners: *and alſo the removing or tranſ-placing, the encreaſing, diminiſhing or altering of the* Garriſons *of the* ſaid Provinces, *was to be done by the* Orders *of his aforeſaid Excellency of* Naſſau, *with the advice of the* States *afore-named, or their* Commiſſioners. *To allay the* Indignation *of the Earl of* Leiceſter, *upon his arrival at the* Hague, *the* States

(contrary

F. Grimſton's *General Hiſtory of the* Netherlands *A. D.* 1585.

Reidanus *Annal. Belgic. l.* 5. *A. D.* 1585.

This, *and moſt of the* Narration *is principally taken out of the* Apology of Oldenbarnevelt *for himſelf.*

Reidanus *ubi ſupra.*

See the Deduction of Holland *in* Leo ab Aitzma's *notable revolutions. p.* 242.

(*contrary to the mind of the* Queen) *made* him *by a publick inſtrument and* abſolute Commiſſion *to be* Governour *and* Captain General, *not ſimply of the* Leaguers, *or over the* Souldiery *only*, *without the* voicing *Provinces*, (*ſo as the ſucceſſive Princes of* Orange *had their Commiſſions of* Captain General *limited and circumſcribed*) *but* abſolutely *over all the* United Provinces themſelves, *there being yielded up unto him* powerfully and abſolutely (*to make uſe of the words of Authorization*, *given by the* States General *unto the* Earl *Jan.* 10. 1586.) to command in the matter and point of war, and that which depends thereon, by Sea and Land, over all the aforeſaid Provinces, Cities and Members thereof *&c.* accordingly, *as* he ſhould think beſt. *The collation of* this abſolute power (*which all the* Dutch *Hiſtorians acknowledge*) *was the* voluntary *and* unanimous deed *of the* Deputies of the Generality, *and* Olden Barnevelt, *as Penſioner of* Roterdam, *was inſtrumental in the promoting it*; *but no ſooner did the* Earl *begin to put in execution* the power which they had given him, *without applying* himſelf *moſt* humbly *unto the* Council of State, *and the* then *pitiful* Magiſtrates *of each Province and City*, *but the confederates of* Olden-Barnevelt *begin to repine*, *clamour*, *and contrive how to invalidate the* Commiſſion *of the* Earl, *and to elude that* obedience *which they had ſo* ſolemnly ſworn *unto*. *In the ſame year*, 1586. Olden-Barnevelt *is put into the place of* Advocate General *of* Holland; *whereupon he was no ſooner entred*, *but* he *informs the people and Provincials of* Holland, *that all their* former Cuſtomes *were inverted*, *their* priviledges *infringed*, *the* Government *in danger to be altered*, *the* Union of Utrecht *violated by the excluding* Papiſts *from the* Magiſtracy; *that* they *had done ill to confer* ſo great power *on the* Earl, *and to permit the* Engliſh *in the* Council of ſtate *to be acquainted with all the* Secrets of their Government. *Having poſſeſſed* that province *herewith*, *deſigns were formed againſt the Earl of* Leiceſter *to* invalidate his Authority, Remonſtrances *framed*, Libels, Medails *and* ſcurrilous pictures *ſcattered abroad*, jealouſies *fomented betwixt Pr.* Maurice *and the* Earl, *the Count* Hohenlo *is exaſperated and ſpreads* diſſentions *in the* Army; *a device is found out for the introducing an* Aſſembly of the States General

Ibid. p. 238. E. Meteran. *Hiſt. Belg. l.* 10. *A. D.* 1586.

General, *with an* Authority *and* Superintendency *over the* Council of State: *All* oaths *taken unto the* Earl *are either* forgotten, *or* annulled: *and it is* declared *that the* People *are the* original *of the* Magiſtrates power, *which is ſo transferred* upon them *that it ſtill remains in the* donors: *that the* Majeſty of the Government *is not fixed in the perſons of* thirty *or* forty *aſſembled and* ruling *as* States, *but in the* Provinces themſelves, *who might* reject *or* admit *of the* decrees *of the* Council of State, *as they ſaw cauſe. A declaration* to this purpoſe *was ſent unto the* Earl *by the* States of Holland *and* Weſt-Frieſtand, *being penned by* Olden-Barnevelt. *This* Notion of Government, *and of the* States Generall *was at firſt laugh'd at and exploded* univerſally *in a manner, and the* perſons *of the* provincial States *rendred* contemptible: *but in time* Olden-Barnevelt *and his aſſociates made the* Government *ſo uneaſie unto the* Earl, *that* he *departed and reſigned it up: and becauſe the* Miniſters *were extreamly devoted to the* Earl, *and aſſerted* his power *and the* obligation *of the* Oaths of fealty *taken unto* him, *to diſtract and divide* them, *this* Olden-Barnevelt *introduceth amongſt* ſome of them *the* Tenets *afterwards denominated from* Arminius; *whence aroſe ſuch* feuds *amongſt* them, *that* they *were forced to divert* their thoughts *from* State-affairs *to thoſe of* Religion, *and and to demand a* National Synod *for the compoſing of* Church-Diviſions. *The* Advocate *by his artifices and* private inſinuations *eludes the calling thereof, and thereby neceſſitates the* Miniſters *to ſeek* their ſupport *by a greater compliance with the* Burgo-maſters. *The* Earl *having relinquiſhed* his titular Authority, *the* States General *aſſume all power to themſelves; the Office of* Governour general *is extinguiſhed, they make Pr.* Maurice Captain General, *whoſe power extended only to the* Souldiers *in the* Leaguer *and* field, *he not having any command over the* particular Governours *or* State-holders *of the Provinces within their reſpective juriſdictions*: *but theſe* particular Governours, *notwithſtanding the* Captain General *appointed over the* Souldiery, *were themſelves* Captains General *over the Souldiers lying in the* reſpective provinces: *Neither could the* Captain General *transplace any* Garriſons, *or enquarter in* any City, *without the* Conſent *of the* Province, *and* Magiſtracy

ſtracy *of the* City. *The prerogative of the* Advocate General's *Office conſiſts chiefly in this*, viz. To have a priority in all matters, and to defend the Soveraignties and rights of the States provincial, and the immunities of the Countrey: to have a care of calling the publick Aſſemblies: in them to have a voice in all buſineſſes, to take charge of Remonſtrances, and Petitions tendred unto them, and to exhibite them at convenient times: to conſult and deliberate with the Nobles concerning them, and all other things propounded in thoſe meetings: That being done, to pronounce the verdict paſſed either by joint conſent, or at leaſt plurality of voices, to be their verdict: and to ſtrengthen them with allegations and reaſons as ſhould be moſt fit. Afterward to demand the ſuffrages of the free Cities, to conclude by moſt voices; and laſtly to employ his utmoſt ability, that what was decreed may be put in execution. *This* place *is eſteemed the higheſt whereunto any man can arrive in that* Democracy: *the* people *reverence* him *as the great aſſertour of their* franchiſes, *and the* Atlas libertatis Belgicæ: *It is not to be wondred if a man of* great addreſs *and* ſubtlety *being thus dignified, do ſway the* Provinces *as he pleaſe, the whole intereſt of* Holland *being at his devotion.* Olden-Barnevelt *and his faction have endeared themſelves always to* their Provincials *by raiſing* ſuſpicions *and* jealouſies *in the heads of the* populace, *as if the Princes of* Orange *had deſigned to make themſelves* Soveraigns *there, and have peretually (except when* they *made uſe of the houſe of* Naſſau *in oppoſition to the Earl of* Leiceſter) *laboured by all manner of practices to depreſs* them, *and leſſen* their power: *ſo that upon every occaſion the* inſtructions *of the* Captain General *were more and more limited, and the power of* Stateholder *was abated by* many reſtrictions *in the* ſeveral Provinces, *according as the province of* Holland *could influence the* Members *thereof. Every* Province *doth ſeparately chooſe its* State-holder, *and the power doth vary much in the* ſeveral Provinces: *One part of his power is to* chooſe the Magiſtrates *out of a* double number

See the Apology of Olden-Barnevelt.

Hic apud Civitates, pagos, collegia, privatoſq; omnes cum Hollandiæ, tum aliarum regionum, neutrarum ſegerit partium, nemini obligatus: curare quantum fieri poteſt ſolitus, ut jura, privilegia, & conſuetudinis Provinciæ, ordinumq; authoritas illæſa ſerventur. Hujus eſt omnia Ordinum Comitia probe obſervare, iisq; ſtato tempore intereſſe, niſi morbus aliave cauſa impediat. Hujus, congregatis ordinibus, prima Comitiorum die, brevibus ea, de quibus agendum, cum viva voce, tum ex ſcripto commemorare; de ſingulis nobiles civitatumq; legatos ſententias regare, easq; fideliter notatas ſumma ſilentii fide legere, & poſt rationem quæ prevaleat indicare; catalogum omnium actorum conficere, conſtitutiones omnes, idq; genus alia, quæ alicujus ponderis, extendere & cum nobilibus & civitatibus communicare. Paulus Merula *de ſtatu Reſp. Batav.*

Leo ab Aitzma's *notable revolutions p.* 149.

number *propoſed unto* him: *this* he *doth with the* Council *or* Court provincial, *or, in his abſence the* Court *alone doth it. Another part of* that charge *is, that in caſe the Provinces or Towns could not agree amongſt themſelves about matters of* Truce, Peace, War, *or* Contributions, *the difference was to be referred and ſubmitted to the* State-holders *of the ſaid Provinces, who were to reconcile the differences betwixt the parties, or determine the ſame, as they ſhould judge it fitting in equity: there being no* appeal *from, or* review of their ſentence. *But notwithſtanding* this Authority, *ſo refractory were that people always, ſo tender of their* priviledges, *ſo jealous of their* State-holders, *that the* Lords State-holders *durſt not make uſe of* their power *to pronounce any* definitive ſentence, *or make* deciſions *between the principal members of ſuch a conſiderable body, but endeavoured for the moſt part to compoſe the differences by way of* interceſſion *and* perſwaſion. *Twice we find the* State-holders *to have acted* Authoritatively; *in the ſuppreſſing of* Olden-Barnevelt, Hugo Grotius, *&c. in* 1618. *and in the viſitation of* Holland, *and attempt upon* Amſterdam *in* 1650. *But ſo* malevolent *and* tumultuous *are* thoſe Provinces, *eſpecially* Holland, *that they have never laid aſide the* reſentments *for thoſe proceedings, nor ever ceaſed to contrive the ruine of the houſe of* Orange *upon* that account: *Notwithſtanding that their* State-holders *did therein nothing but what the* Union *and reſolutions of the* States General *impowered them to do, and what was abſolutely neceſſary for the preſervation of the* Countrey *in peace.* Grotius *and* Hogherbet *were impriſoned in* Louveſtein-*houſe, near* Gorcum, *and ſo was* deWit *together with the other* five Lords *in* 1650. *This faction hath always been enemies unto* England; *and although* Olden-Barnevelt *did prefer the protection of the* Engliſh *before that of* France, *it was rather out of* intereſt *than* affection, *and with a deſign upon* all occaſions *to impoſe upon and cozen the* Queen. *The which he did* ſundry ways, *whereof* he *boaſts in his* Apology, *as of ſo many ſervices rendered unto his* Fatherland. *He was perpetually averſe from* K. James, *and hated* him *for his oppoſition to* Arminius: *In the ſeveral* Treaties *betwixt that* King *and the* States *about the* Fiſhing, *and* Eaſt-India *trade,* he *it was, and* his faction *that firſt diſputed the* Sove-

Union of Utrecht Art. 9. 16.

raignty of the Seas, *and from that* Cabal *did iſſue the* Mare liberum, *entituled unto* Grotius: *Not one of* thoſe Treaties *betwixt the* two Nations *did ever take effect, and all the dammages which the* Engliſh *have ſuſtained in the* Eaſt-Indies, *all the miſchief which hath befaln* this Nation, *hath ever been occaſioned, or fomented by* that party. *It is not to be wondred that they have* ſo long *continued, for in* that government *(if I may call it ſo, for it never deſerved* that name, *any more than* Poland *doth) The* Burghers *or* Townsmen, *have no power to elect* their Magiſtrates, *but the* Common-council *or* Vroed-Schapen *(which are for life, and conſiſt of* 20, 26, 32, *or* 40) *do chooſe* them, *and ſupply their own* number *accordingly as any one happeneth to deceaſe: and the* people *are* abſolutely *concluded by their* Magiſtrates: *whence it is manifeſt that the* Republick *was no* Democracy, *nor were the people* free, *as the* Conſiderer *and thoſe* Canaanites *did pretend. This party being thus* once ſetled, *did perpetuate* themſelves, *nor was there ever any of their* State-holders *who did not* once in a year or two *ſenſibly underſtand who were* their Maſters. *This party of* Olden-Barnevelt *did always profeſs to vindicate the* liberties of the people, *and by alledging* old cuſtomes *and* immunities, *and inſiſting thereon, as alſo by new expoſitions of* Laws *and* deeds, *nice diſtinctions, (which had more of* acuteneſs *than* probability) *and urging oftentimes the* Letter *contrary to the* meaning, intent *and* deſign *of the Authors, did imbroyl and diſſolve the* Government. *Thoſe that ſhall hereafter write* political diſcourſes, *when they come to treat about* Common Lawyers, *what* intereſt, employment, *and* regard, *they merit in a* Government, *will find occaſion to amplifie* their debates *from the conſideration of the* United Provinces. *The Province of* Holland *being the* moſt rich, *and contributing* more than all the reſt *unto the publick, as alſo abounding more in* Towns, *was the moſt eaſily wrought upon: and* Olden-Barnevelt *did ſo contrive affairs, that* his partiſans *ruled in* Holland, *and* Holland *did rule all the reſt of the* Provinces. *Although the* Union of Utrecht *was ſo formed that in matters of the* greateſt concern *the* plurality of voices *had no place, but every* Province *was particularly to* conſent; *yet did* Olden-Barnevelt *in* 1609. *enforce* Zealand *to admit of the*

Declaratio de antiquo jure Datavicæ reip.

Truce

Truce: *and afterwards when* he *was reſolved to ruine the Authority of Pr.* Maurice *(which was not* great, *except when the* Army *was in the field) that he might fortifie the* Arminian faction, *he revived* old priviledges, *that* each Town might raiſe what Souldiers they pleaſed, without the conſent or privity of the States General, *or* Provincial, and without any ſubordination unto the Captain General, or State-holders, and adminiſter an Oath of fealty unto them to be true to them, not the States: provided they did this at their proper charge. *He told the* People *that* they *were the* Soveraigns, *and that the* States General *had but a* delegated repreſentative power, *the* real Majeſty *being fixed in* them. *He ſowed diſcontents and jealouſies betwixt the* Nobility, Gentry *and* Commons, *and alſo betwixt* Holland *and the* other Provinces, *and either actively advanced* that Province *unto a Sway over the reſt or indirectly by their* Negative Suffrage. *Though the death of* Olden-Barnevelt *did put ſome ſtop to the deſigns of that party, yet did the* intereſt *continue, and in* John de Wit *the Spirit of* Olden-Barnevelt *ſeemed to be riſen again. The* States General *under Pr.* William *in* 1650. *would willingly have brought the* Government *unto ſome certainty, and adjuſted the power of the* States General *and* State-holders *ſo as that it might have* ſome form *in it: But the province of* Holland *were ſo animated by* their Penſionaries, *that the deſign ſucceeded not, and upon the death of* that Prince, *this faction proceeded to introduce* that Anarchy *which hath at laſt occaſioned the* general deſolation *of the* Republick. *It was a* maxime *transmitted unto* them *from the firſt Pr.* William *that this* Polyarchical Government *could not ſubſiſt without a* State-holder, *who was to reconcile all emergent differences betwixt the* Towns *and* Provinces: *and the continuance of* that office *was a branch of the* Union at Utrecht: *Nor was the ſaid* proviſion *ever cancelled or altered by the joynt approbation of the* Confederates: *But* this faction *did aboliſh* this office *in* Holland, *and did partly by* perſwaſion, *partly by* over powring *the other Provinces extinguiſh it in all places, except* Gruningen: *and to decide* emergent differences *a new expedient of* Arbiters, *and* Super-arbiters *was found out; who being men no way elevated above the* vulgar *by* extraction *and* degree

Grotius *Apologet. c.* 19.

Leo ab Aitzma's *Natalle revolutions p.* 310. 193. 201.

could

could not anſwer the general aim, and intent, but the final power *would reſide in* Holland; *the diſpoſal of the* Militia *and* Commands *was principally fixed in the* Council of State, *not in the* Generality; *that the ſaid Province might rule all* their *affairs in the* Council of State; *It being managed by* plurality *of* perſonal *and not* provincial *votes, and the* Hollanders *being always* preſent upon the place. *In fine the* Union *was ſo infringed that* Gelderland, Over-yſſel, Utrecht *and* Frieſland *were in a manner ſubject unto* Holland, *and the* Nobility *and* Gentry *were every where depreſſed and deſpiſed by the* Merchants *and* Commonalty *of that Province. One might juſtly apply to* that State *what was ſaid of the* Romans *heretofore,* Socii Romanorum tacite redigebantur in ſervitutem, *By little and little the Roman allyes became their Bondmen. As for* Zealand *the* Hollanders *did ſeemingly yield unto* them *greater regards and deference, but withall complotted how to weaken that* Province *ſo by an alteration of the* Government, *and* inteſtine diviſions, *that they might in effect be reduced under* their tuition. *The Prince of* Orange *had* three voices *or* Member-ſhips *in* Zealand *of* ſeven, *as* Primier Noble man, *and Marqueſs of the* Vaſſal-cities Terveer *and* Fluſhing, *beſides the power of placing the Magiſtrate in* Middleburgh, Zirickſee *and* Tolen (Goes *only being exempt*) *ſo that* he *ſeemed to have the full* direction *of that Province. To depreſs this power of the Pr. of* Orange, *there was diſſention raiſed betwixt the* Grandmother *and the* Princeſs Royal; *and alſo* John deWit *with ſome others were ſent into* Zealand, *where they revived the* jus directum Univerſitatis, *the* power of the people, *telling them that* their liberties were undermined, *and the Government committed unto the hands of a* few *and thoſe* none of the beſt. *Whereupon the* Burghers *began to ſeek a* Reformation, *demand that ſeveral* Magiſtrates *be depoſed, attempt to* kill *and* plunder *ſome, and cauſe the Burgomaſter of* Middleburgh, Tibant, Landsbergen *&c. to be baniſhed: and after that the people were thus animated, and the* States *there changed, or intimidated,* John deWit *and the reſt acquaint the Towns of* Terveer *and* Fluſhing *with their* fundamental rights, *that the* Earldome *of* Zealand *was by the revolt, from* Spain *devolved to the* Province *in general, that the Pr. of*

Id ibid. p. 622.

Orange's

Oronge's *power over* them *was an* uſurpation *(though it were expreſly contained in the* deed of Sale 1581. *when the Prince bought the Towns) and that they ought to diſpoſe of their* own votes *in the* States provincial: *A long* deduction *to this purpoſe, with a multitude of* quirks *in point of* Law, *was exhibited by them, and readily believed by the people againſt* all reaſon, *and notwithſtanding any* allegations *made by the* Guardians *of the infant* Prince: *whereby that* Province *loſt much of the influence it had in the Councils of the* Generality, *and became ſubordinate to* Holland: *the faction of* deWit *ruling every where. To ſecure themſelves for the future againſt the Pr. of* Orange *this faction privately contracts with* Cromwel *to aſſiſt* him *againſt the* Royal line of England, *provided* he *will ſupport them againſt the houſe of* Orange; *and by the credit of* his amity *they proceed firſt to ſeclude the* Infant-Prince *from ever being elected* State-holder, Admiral *or* Captain General *by their ſuffrage; and afterwards draw all the* Provinces *to ſwear a* perpetual Edict *againſt it: In vindication of their actings they publiſh a* Deduction, *wherein the whole ſucceſſion of* Princes, *from the firſt to the laſt* William *are defamed, as if they had all deſigned to themſelves the* Soveraignty of the United Provinces: *they upbraid them with the* revenues *and* emoluments *which* that family *had gained by the wars; and avowed that the ſaid* family *was obliged unto* them *for the* dignities *and* opportunities *to advance themſelves which the* States *had given thereunto: they reckon up each minute* gratification *which they had publickly given them, and declare* them *to be* moſt ingrateful *for* abuſing *their power, and not the* Hollanders *for diſcontinuing it.*

Out of the precedent Narration *any one may collect* how little intereſt the Princes of Orange have always had in the Government of that Common-wealth; *and upon what* faction *all the* villany of that State *is to be charged: nor will it be difficult for any to calculate the original and ſource of the* preſent calamities *and* diſtractions *there. The want of a* State-holder *left all* emergent controverſies *difficult to be reconciled: for* that office, *together with the* hereditary reverence *which the generality had for the Princes of* Orange, *was the cement of the* Republick. *The* Union *of* Utrecht *was pretendedly owned by* Holland,

Holland, *but yet (only) violated, or by* ſubtleties of Law *invalidated: ſo that whereas the* Provinces *were to ſhare in the publick management of affairs, as they were* Provinces, *and not according to the* Quota *or* Rates *which they contributed; now the reſt were diſpiſed and impoſed upon by* Holland: *the* Gentry *with the Houſe of* Orange *ſunk under the* Commonalty, *and the* ſix Provinces *under the* ſeventh: *all which was done without reducing the* Government *unto any* form *or* ſettlement; *all things were acted not by a* Rule *to be ſubſtituted unto the* Union of Utrecht, *but by the Artifices of the* Penſionary, *and the violent reſolutions of the provincials of* Holland, *who ſeemed to deſign unto* their Province *an* Ariſtocracy *as it were above the reſt. As to the* Government, *the authority of the* States General *became inſignificant and precarious, the* decrees *and* reſolutions *thereof being not obligatory (in* Holland *eſpecially) any further than the* States Provincial, *and each* Town, *pleaſed. Each Province was* independent, *and each* Town *in a manner; no Souldiers could march into any* voicing Province, *or be enquartered in any* City *but by particular conſent: and in each* Town *the* Burgomaſters *kept the keys of the Gates, and gave the* watch-word. *The* Nobility *were excluded all commands by the* jealous followers *of that inſolent ſon of a* Tallow-chandler, *whoſe deportment made him no leſs inſupportable at home, then he was amongſt* forreign Princes. *The teſtimonies that may be produced for his* great parts *and* abilities *are not more than thoſe of* his folly. *Wiſe men are cautious how they attempt alterations in Government, and rather acquieſce in* known inconveniences *(eſpecially if* inveterate) *then ſeek to remedy them by* innovation. *The* jealouſies *which he raiſed againſt the Pr. of* Orange *were not greater than thoſe he created in the* other Provinces *againſt* Holland: *and it was evident that the* Polyarchical government *would fall into an* Anarchy *by the breach of the* Union, *and omiſſion of a* State-holder; *nor could it ſupport it ſelf againſt any that ſhould invade it* by land. *His* popularity *gave him no* ſtable intereſt, *nor could all his* ſubtleties of Law *convince the provincials that* he *did not abuſe and impoſe upon* them, *as* he *did upon all the* Allies *of the* United Netherlands. We *may hope for a* better neighbourhood *when* perſons of Honour and integrity

Quare ſanctiſſimum eſt Alcibiadis *apud* Thucydidem *judicium, dicentis eos tutiſſime agere, qui Rempublicam adminiſtrantes in re imine & legitus quam minimum varient.*

integrity *ſhall rule in their Councils, and the* Govern ment *the reduced into ſome* rational *form; but certain it is that moſt of be* miſchiefs *which have befaln* Europe *during this laſt* century *have had their original from this* perfidious *faction of* Olden-Barnevelt, *and in the ruine of the* deWits *our nation is freed from two* dangerous *and* implacable *Enemies, who would have left no means (how barbarous and* inhumane *ſoever) uneſſaied for the deſtruction of the* Engliſh. *As to the manner of* their deaths, *we may obſerve how inſtable the* people *are in their* affections, *and how brutal in their* paſſions: *as alſo how juſt God is in overthrowing them by a* popular tumult, *who had by the* like procedure *undermined the Pr. of* Orange. *Their* friends *have not much cauſe to complain at what befell* them, *for the* jus directum Univerſitatis *was revived in the* Hague *by reaſon of the* male-adminiſtration *of affairs, the* real Majeſty *of the* Burghers *did ſentence* them, *and they were put to* death *by thoſe whom* that faction *had always declared to be ſo poſſeſſed of the* Soveraignty *that the* dernier reſort *was unto* them, *and they might upon any occaſion* reſcind all oaths, revoke all powers, and rectify all failours in their Governours, *according to the* Genius *of* that people, *and as they have done heretofore* an hundred times *under the houſe of* Burgundy.

To all LOYAL SUBJECTS *of His* SACRED MAJESTY.

THere is not any thing of greater importance unto *theſe Kingdomes* in the preſent juncture of affairs, then that all the Subjects of *His Majeſty*, be fully convinced of the *Juſtice* and *Neceſſity* of the *preſent War* with the *United Provinces*: For whatſoever be the *expenſe* thereof, whatever the *event*, (as the *charge*, and *iſſue* of Wars is very *uncertain*) the People will be ſatisfied with the Conduct of their *Governours*, and acquieſce in the determinations of the *Divine Providence*, when They ſhall perceive that *Equity*, and the *welfare* of the *Nations*, have been the *Sole Principles* by which our *Rulers* have moved, and *Prudence* it ſelf ſeems to have preſided in *Their Councils*. It hath been uſuall with *Princes* to make Wars purely for enlargement of *Empires*, and propagation of *Their Glory*: And Wars of this *Nature* were allowed of unto the *Jews* of old. It hath been uſual for *Princes* to make War upon others, when They grew too *great* and *powerful*, and multiplied Their Forces, though with all proteſtations of *Amity* to their Neighbours: And *ſuch Wars* are eſteemed *juſt* and *neceſſary* by *Civilians* and *Stateſmen*; but *They* are much more warranted, when that *any Neighbour* hath more or leſs cauſe to fear leſt that *exceſſive Power* be employed againſt *Him* particularly. *Injuries* done even to *one ſingle Subject* have been avenged by open War; when the Re-publick hath *refuſed* or *declined* to puniſh them: Thus *Iſrael* made War upon the Tribe of *Benjamin*; and the *Romans* upon *Teuca* Queen of the *Illyrians*. Even *Ingratitude* was eſteemed by the *Romans* a juſt *cauſe of War* againſt the King of *Cyprus*; the which no doubt *Cato* approved of,

J. Selden *de jure naturali Hebr.*

Alberic. Gentilis *de jure belli l.* 1. *c.* 14. Scipio Ammiratus *diſcurſ. polit. l.* 2. *diſc* 10.

Alberic. Gentilis *de jure belli l.* 1. *c.* 20, 21. *Id. ibid. l.* 1. *c.* 20.

ſeeing He undertook it: Upon *this ſame Score* did Queen *Elizabeth* purpoſe to relinquiſh Her *League* with thoſe *ingrateful Netherlanders*.

Grotius *de bello Belgico l. 7. Ingratum pro ingentibus beneficiis animum juſtiſſimam Reginæ cauſam ut abjecta Belgarum cura ſibi ſoli conſulat. Reidanus Annal. Belgic.* Anno Dom. 1587.

Theſe, and ſuch like have been the inducements for *Princes* to annul *Treaties*, and make War upon others: But our King hath been more tender of the *effuſion of Chriſtian Blood*, and of the Purſes of his *Subjects*, then to ſpend either the *one* or the *other* upon *needleſs Quarrels*. Though the *Provocations* of the *Dutch* by their *Pictures*, *Medails* and *Monuments*, (all *publick*, and either *authorized* by the *States*, or commonly *tolerated*) were ſuch as would have juſtified a more *early War*: (Neither is there any *Engliſh man*, who can imagine *Himſelf* to be ſo *inſenſible* and *ſtoical* in his humour, as that *He* would not, even *inconſiderately*, have revenged leſs *Indignities*.) Though the *depredations* and *injuries* done to *Our Merchants* in ſeveral places, and the *detention* of *His Subjects* (contrary to agreement) in *Surinam*, rendered it *neceſſary* for *His Majeſty* to protect his *diſtreſſed People* in their *commerce*, and other *Rights*: (It being a *duty* which *He* owes unto His *oppreſſed Subjects*; and the *intereſt* of all that are not *immediate Sufferers*, ſince the *ſubſiſtence* and *Riches* of all in general depend upon *Trade*.) Yet did *His Majeſty* proceed with all *Lenity*, and amicable Solicitations for redreſs by *His Embaſſadour* at the *Hague*, and ſecured the *Dutch* as well as *Flanders*, from the fatal conſequences of the *French Rights of Devolution*, by *projecting* and *finiſhing* the *Triple Alliance*: From whence it is apparent how averſe *His Majeſty* hath been (as indeed it is *His Royal nature*) from *ſeeking* the occaſions of a breach, whereas the *Dutch* continually adminiſtred *Them*; and the onely effect which *His Gentleneſs* produced was, that *They were thereby imboldened to offer more*, and miſconſtrued *His Friendly deportment*, as if it proceeded from *weakneſs*, or *fear*. It is moſt certain that in the *diſhonour* of *Our King* the Nation did ſuffer; there was not a Port in *Europe*, wherein the *drunken Dutch Sea-men*, and their *Officers*, did not revile and abuſe our *Engliſh Merchants*, and others of our *Country-men*, uttering

Qui diſſimulat, tacito ſuam fatetur indignitatem, & modeſtia poſtea pro ridiculo habetur. Didac. Saavedra *Symbol. politic.* 33.

B

uttering words ſo *reproachful* againſt *His Majeſty* and *His Royal Highneſs*, that they are not to be *related*; trayling the *Engliſh Colours* defiled with *Excrements* thorough the *Streets*, and at the Sternes of *Their Boats*; whereby Foreigners were perſwaded that the *Dutch* had totally deſtroyed the *naval* ſtrength of *theſe Realms*, and gained to themſelves the *Soveraignty* of the *Britiſh Seas*. Curious *Prints* were divulged every where of the *Engliſh Phaetons*, being overthrown, not by the *Thunderbolts of Jove*, but *Valour of the United Provinces*. *Britannia*, or *Old England*, was no longer ſeated on *Her Globe* with *Her Feet on the Sea*, but *proſtrate on the dry Land*, *Holland being mounted upon an Elephant, and trampling upon Her*: Alſo a *Boor* cutting off the *Tailes* of the *Engliſh Maſtiffs*, whereof ſome *ran away*, *others ſate licking their Soares*, others *ſtood barking at a diſtance*: Another *Boor* was employing *His Hatchet* to kill a *multitude of Adders with this Inſcription*: The *Engliſh Dogs and Vipers deſtroyed by the Valour of the Hollanders in ſuch a manner, that they ſhall give the World no further t. ouble*. By theſe *Artifices* not onely the *Merchants* of *England* have been *diſcouraged* in their *Trading*, the *forein Princes* alienated from *Us*, and their *Subjects* induced to believe that the *Engliſh* were ſo *odious*, ſo *deſpicable* a People, that they deſerved not to be *regarded* in point of *Commerce*. The *Tongues*, the *outrages* and *inſolencies* of the *Dutch*, have done *England* more *prejudice*, then *Their Ships* and *Canon*. If the *Engliſh* ſeem to have reaſon to complain of the *Conduct* of *His Majeſty*, it is *for this*, That *He endured ſo long*, and *with ſo much patience* theſe *intolerable Affronts*: But as *the Station of Kings doth elevate Them above ordinary Men*, as *Their proſpect of affairs excels that of the vulgar*; So *Their Actions, and the grounds thereof are different from what We comprehend*. Our *Phanſies* and *Judgements* are *influenced* and *formed* by the *Objects* we converſe with; and *thoſe* are for the moſt part *no other* then *Common Reports*, and *fabulous Narrations* which *We beleive, examine, condemn* ac-

Ecquid igitur ſi etiam negligitur hæc vindicari injuria? ſ per additus contemptus eſt: qui nec modica injuria eſt. Et ita Strabo *recitat, juſte ihatum fuiſſe bellum Meſſenius, qui non multarint compellatores convicioſos alienarum mulierum. Injuria fuerat appellaſſe. Quæ nunc aucta ſic eſt.* Alberic. Gentilis *de jure belli l.* 1. *c.* 20.

cording to our *prejudicate opinions*, and *passions*. The seeming *Male-administration of the State*, the *decay of Trade*, the *dispiritedness of the English*, the *Arrogance of the Dutch*, have *really* no other *Foundation* or *Original*, then *OUR SELVES*: those *failours* and *miscarriages* which *WE* charge upon the *King*, *Council* and *Court*, *We* are principally the *occasion of*, if not *absolutely guilty*. *WE decline our duties*; *WE break Our selves into Schismes*; *WE retain and multiply implacable Animosities amongst our selves*; *WE defame our Superiours, censure and derogate from every Action of Theirs*; *WE by unnecessary and unseasonable contests retard the proceedings of Parliament, and exasperate the two Houses, and each Member thereof, so as that they fall into Factions and Parties*: *WE in the City and Country do repine, complain* and *rage, till the whole Voisinage prove Male-content*. Would each Subject seriously mind what is *His proper Station* and *Business*; would He diligently perform *His duty*, and refer *Himself* unto *His Governours* for the *prudent* and *consciencious discharge* of *their Offices*; Would *WE* take but *half the pains* to *compose our minds*, which *WE* do to perplex and *distract them*; would *WE* study those important Lessons, of *Fearing God*, *Honouring the King*; *seeking to have Peace with all men*, *if it be possible, and as far as it lies in Us*, Our Divisions and Animosities, and Jealousies would cease; our breaches would be made up; our Government be most happily resetled; the honour of the Nation would be redeemed at home and abroad; *Trade*, *Plenty* and *Peace*, would be ensured unto *Us*, and *our posterity*.

WE, *WE* alone are to be blamed for the evils of *this present War*, and those which antecedently occasioned it: The *Dutch*, judging by the *outward appearances*, did imagine the *King*, *City*, and *Countrey*, to be so many *different and irreconcilable Interests*: They thought the *two Houses of Parliament* to be so repugnant each to other, and likely to continue so, that his Majesty should never be able to *Re-ingratiate* them, or raise any *besetting supplies* in case *He* were Attaqued and Invaded: They apprehended that the *Conformists*, and *Non-conformists*, were so opposite in *Principles*, and in *Hatred*

tred, each towards the other, that it was no leſs difficult for *his Majeſty* to grant any *Indulgence* to the *Seſtaries*, then it was for *Him*, or his *Realms*, to ſubſiſt without granting ſuch a *Toleration*: Theſe *Reflections*, how vain and deceitful ſoever *they* have proved, *Our indiſcretion* made to ſeem *probable*, and *prudential*. Thence aroſe their conjectures that *WE* were eaſily to be Trampled upon and Subjugated; Thence grew that Confidence of *theirs* to diſgrace our *helpleſs King*, and *diſtracted Government*; to *affront*, and *Rob our Merchants*, *undermine our Trade*, *alienate our Mariners*, and *every way to impoveriſh and infeeble our Nation*: By *theſe degrees*, when *they* found the *Engliſh* ſo *ſtupid* as not to reſent thoſe *Injuries*, and *Indignities*, or ſo *Intimidated* as to have only *Courage* to rail at their *Governours*; they proceeded to improve the opportunity of this *Juncture* (when the *Puiſſance* of *his moſt Chriſtian Majeſty* alarmed all *Europe*, and aſtoniſhed *theſe Kingdoms*) to *our deſtruction*: They encreaſed *their own Strength* proportionably to that of *France*, ſo as that they ſeemed not to fear that *Potent Monarch* by Land, and needed not to do it *by Sea*. Whilſt our condition was ſo deſpicable, that Our *Exchequer was low*, *Our Fleet unprepared*, *Our Parliament diſſatisfied*, *Our Church divided*, *Our Countrey diſcontented*, and *Our Seamen alienated from the Service of his Majeſty in the Navy Royal*; now *Our good and faithful Allies*, the *HOLLANDERS*, begin to *Inſult over us HERE AT HOME*, to Treat with the *moſt Chriſtian King*, to make overtures of an *Alliance* whereby *they* would Tranſport *Fifty Thouſand of his Souldiers* into any part of the *Engliſh Territories*: They who had *ſtruck their Flags*, *and lowred their Top-ſails* unto a *Ketch* of *two Guns* in the time of *Cromwel*, refuſe to do it unto a *Yacht of his Majeſties*, though *they* were obliged thereunto *now* as much as *then*; the *Articles* being expreſly *the ſame*, and the *ſubmiſſions* which *they* were to pay *at Sea* unto that *Uſurper*, being regulated, as *to the manner*, by the *preſident* of *what had been* Exhibited to the *Royal Progenitors of his Majeſty*, the *Antient Kings of England*; the *Right* of whom was ſo acknowledged a thing heretofore in *Holland*, that it is not only

con-

confessed in the *League* of *Cromwel*, and both the *Treaties* betwixt *his Majesty* and the *Dutch*; but in the *Twelvth Article* of the *Offensive* and *Defensive League* betwixt *France* and the *United Provinces*, Anno Dom. 1635. It was Agreed That *if the Dutch Fleet* (which was to Scowre the *French* Coasts in the *Mediterranean* from *Pirats*) *should at any time meet the* French, *the Admiral of the* Dutch *was to strike his Flag, and lowre his Top-sail at his first approach unto the* French *Fleet, and to Salute the Admiral of* France *with Guns, who was to return the said Salute by Guns also, as was usual when the* Dutch *and* English *Fleets did meet.*

Leo ab Aitzwa Hist. tract. pacis Belgic. pag. 177. edit. Lugduni Batavor. *in quarto* 1654

With what *sincerity* the *Dutch* did Negotiate with the *Crown of France*, is known only to the *Searcher of Hearts*, and to *Themselves*: For since the first Revolt of these perfidious *Hollanders* unto *this day*, it hath been their *constant course* to observe *no Leagues*, further then *they* conduce to the *Profit* of the *United Provinces*; and to Imbark *all Princes* in Wars upon promises of a *firm Amity* and *Assistance*, and as soon as the *said Princes* are plunged thereinto, to *desert them*, and draw *Advantages* from *their Enemies*, or else compel their *Allies* aforesaid, to yield them more *beneficial Articles*. Thus *They* served Queen *Elizabeth*: (Who complained thereof in 1598.) Thus *They* imposed upon the *most Christian* King in 1635 and afterwards all along untill the conclusion of the *Munster-peace*. Thus *They* served the Queen of *Sweden* in 1643, 1644 It is possible that the King of *France* might suspect *their Treachery* (especially since the *same Men* do now Sway the *States General*, and *Province of Holland*, who cheated *France* in the *Munster-Peace*) lest, having involved *Him* in a War with *England*, and transported *his Forces* into *that Kingdom*, they should *change Sides*; and having extorted *Cautionary Towns* from the *English*, employ *their Armes* against *Him*, to His great *detriment*, and *disgrace*, if not *Ruine*. It is *much more possible*, that *this Haughty and Generous Prince*, seeing in the *Person* of the King of *England*, the *Sacred MAJESTY of all Princes*, Vilified and Abused; and recalling to mind how the same *Dutch* had *Cosened the Crown of France*, and disappointed

Illud quidem nec Deus sinat, ut ingratis præscriptionibus elusa exemplum Regibus foret, abstinendi auxilio populi, qui nulla in eminentes reverentia, nec commodi, nisi sui, cura tererentur. R. Elizabetha *apud* Grotium, *Hist.* Belg. *l.* 7.

ted all the *moſt hopeful* deſigns of *that Kingdom*, and *its Allies*, by the *Munſter-peace*, contrary to ſo many *Leagues* renewed from them, and after ſuch conſtant ſupplies of *Men* and *Money*, and without *any default* on the part of the *French*; I ſay it is *much more probable* that upon *theſe regards*, and a Deteſtation of the *late Inſolence* of the *Dutch* towards *His moſt Chriſtian Majeſty*, (who during his Progreſs in *Flanders*, had ſent *their Navy* as it were to *Brave* him on his Coaſt at *Dunkirk*) He was inclined more to the *Amity* of the King of *England*. However it were, the *Dutch Negotiations* in *France* were diſcovered by *His Majeſty* the King of *Great Brittain*, ſome months after the aforeſaid *refuſal of the Flag*. Our King had Expoſtulated with their Embaſſadour *Boreel*, concerning the *Indignity* of *that Act*, which was a *notorious Breach* of the *Articles*, and a thing which they yielded unto *Cromwel*. As for *Cromwel*, the Embaſſadour replied, *THEY FEARED HIM*. The which words, as they carry with *them* the greateſt *Contempt* in the world towards *His Majeſty*, ſo *they* are demonſtrations of the *Dutch* principles, that *theſe Hollanders act out of no ſenſe of Honour, Honeſty*, and *Conſcience*, but accordingly as *THEY HOPE AND FEAR*. He did further anſwer, that *If his Majeſty would be informed of the Action, and the Sentiments of his Superiours, their Aſſembly was at the* Hague, *and thither he might ſend to be acquainted therewith*. Although *Replies* of this nature ſound very harſh in the *Ears*, and ſinck deeply into the *Minds* of *Princes*; yet ſo averſe was *His Majeſty* from a War with the *United Provinces*, ſo willing to retain an *inviolate Amity* with that *arrogant* and *ingrateful People*, that *He* did purpoſe to ſend an *Envoy* to demand *Satisfaction* for what had paſt, and to underſtand *their future Intendments*. But ſince to *precipitate this Meſſage* had been to undervalue *His Crown* and *Dignity*, as alſo an Argument of *His fear* to loſe the Alliance of their *High and Mightie*s, one Moneth (viz. *Auguſt*) was ſuffered to Lapſe, before *thoſe Thoughts* were aſſumed again: It being but *Juſtice*, that thoſe who had offered *the Affront* (and *thoſe*, *HOLLANDERS*; *HE*, the *King of Great Britain*) ſhould *firſt* apply themſelves

Il ſe faſoit craindre.

ſelves unto *His Majeſty*. After a Moneth, or ſo, was paſt, Mr. *Boreel* takes an occaſion to Diſcourſe with the *Principal Secretary of State*, and askes *When His Majeſty did intend to diſpatch His Envoy to the* Hague *about the Action of* Van Ghent? It being rumour'd that *His Majeſty* was much diſpleaſed *thereat*. The Reply was, That *His Majeſty had very great reaſon to take it ill, that, ſince He had gratified the* Hollanders *ſo much in the Treaty of* 1662. *and that of* Breda, *and alſo in the Triple Alliance, League of Guaranty, and defenſive Articles; They ſhould deny unto* HIM *above all others, the* RIGHT OF THE FLAG, *that antient and undoubted Regality of the Crown of* England: *That he could not comprehend their meanings; ſince if they had any reſpect for His Majeſty, or valued his Friendſhip, they ſhould voluntarily have done him right in a caſe ſo* NOTORIOUS *and Well-known unto them. That the cauſleſs Breach of one Article, in this Conjunction of Affairs, rendred the Alliance with the* United Provinces *NULL, and their* FRIENDSHIP *for ever ſuſpected. Yet ſo willing was His Majeſty to continue the mutual Amity, that an Envoy ſhould ere long be diſpatched.* It ſeemed harſh to an *Engliſh Spirit*, that the *King of Great Britain* ſhould ſend any *Envoy* from *London* to attend the *leiſure* of an Audience from their *High* and *Mighties* at the *Hague*; yet this had been done, but that the *States General*, to anticipate the *Errand*, and prevent all hopes of *accommodating the Affair*, but by a *new Treaty*, proceeded to Vote and Decree that *Van Ghent had done nothing but what became him; nor did the Articles oblige* THEIR FLEETS *to ſtrike the Flag unto* ANY SINGLE MAN OF WAR *of the Navy Royal of England.* They alſo repreſented the claim of *his Majeſty* unto the *Dominion of the Seas*, to be moſt *Irrational* and *Ridiculous*: THIS was the Subject of the *general Laughter* and *Scorn* in *Holland*; and with *much Contempt* did *their Embaſſadours* diſcourſe of *it* in the Courts of *Forein Princes*.

His Majeſty did regard *theſe Paſſages* with *extraordinary Prudence*; He conſidered *their Import* at preſent, and their future *tendency*. It was manifeſt that all the *Confederacies* betwixt

twixt *Him* and the *Dutch* were at *an end*, that the *Defenſive Articles* were no longer of any force to oblige the *Dutch* to aſſiſt *England* in caſe that *France* ſhould turn its Forces upon *theſe Kingdoms*: Neither could *He* demand any Aid by the *League of Guaranty*, except his moſt *Chriſtian Majeſty* did *Declare* and make it to *APPEAR* that *He Invaded the King of* England *on purpoſe to revenge his entring into the TRIPLE ALLIANCE for the defence of Flanders*. At the ſame time *his Majeſty* had notice of the *ſecret Applications* and *Overtures* which the *Dutch* had made unto the *Crown* of *France*; and *He* perceived how dangers multiplied every way upon *Him*, that the *Source* and *Original* of all theſe Perils was the *Ambition* and *Treachery* of the *Hollanders*, and the implacable Animoſity of the *De Wits* againſt *England*; and that if He did not by ſome *ſuddain Councils* ſecure Himſelf *that Winter*, his Affairs would be but in an evil Condition in the *ſucceeding Spring*: The *Dutch* had of a long time formed a Deſign to enſure themſelves of the *Univerſal Empire of the Seas*, and to give Laws *thereon* to all *Princes* and *States* in point of *Traffick*, *HOW, AND WHETHER THEY SHOULD TRADE*: Theſe *Projects* had been inſinuated into the People by Mr. *Schookius*, one of the *Profeſſors* at *Groningken*, and were the *Dictates* of——in the *States General*. Their Actions in the *Eaſt* and *Weſt Indies*, *Ruſſia*, and the *Baltick Sea*, were evident Arguments of *ſuch Intentions*: Their *Annually* building a determinate number of *Capital Ships*; their driving upon our *Fiſher-men*, and ſpoilling their *Fiſhing* within the *proper Seas* of his Majeſty. Their Attaquing of *forein Ships* under the *Protection* of our *Caſtles* and *Ports*; their Attempts upon the *Navy* of the pretended *Parliament* in the *Downs*; and the Burning of *our Ships* at *Chatham* (when a Peace was even concluded) were all Reſults and *plain Conſequents* of the *ſaid Deſign*. Now it ſeem-

Neceſſaria Belgis maritima potentia.—— Quis enim ei navis uſum conceſſerit qui Sollicitus non eſt ut in eo aliquid poſſit.—— Ante omnia laboremus Anglos *toto mari expellere, illiuſque imperium aſſevere.* M. Schookius *de Imperio marit.* c. 28. *Curandum omnibus modis ne conjungatur Oriens et Septentrio cum Occidente, ſive ne Mercatores qui ad Orientem et Septentrionem habitant, puta Dantiſci, Regiomonti, Hamburgi, in Dania, Norwegia, Suecia, Ruſſia,* &c. *Ipſi plagas Occidentales adeant, & inde petant quæ ſibi uſui ſunt: ac vice verſa Occidentales frequentent Orientales & Septentrionales Regiones.* Id. ibid. c. 31.

ed *they* would finiſh it as to the *Engliſh* (and conſequently upon all *Europe*) by their *great preparations* of *Capital Ships* and *others*; which, though purpoſed againſt *France*, yet had their influence and carry terrour amongſt *all their Neighbours*: And the *refuſal of the Flag* was but a Degree towards thoſe demands which enſued, *That his Majeſty ſhould relinquiſh his uſurped Dominion of the Britiſh Seas.* His Majeſty had already yielded at *Breda* enough to ſatisfie a *moderate Ambition*, but where the *deſires* are *boundleſs*, thoſe *conceſſions* become *ineffectual* which are not *proportionate* thereunto: If *he* entred into a *New Treaty*, who could aſcertain *Him* where the *Hollanders* would *begin*, or when *they* would *end?* Their *conſultations* are generally *ſlow*, and moſt commonly *dilatory:* Who knew, how they would protract time *in this Juncture*, and draw Advantages *thereby* from the *neceſſities* of *his Majeſty?* It ſeemed evident that *his Majeſty* muſt make as great *preparations* to procure a *tolerable Treaty* from *them*, as to *make War* upon *them*; and in the mean ſpace, whilſt *We* purſue *no other aims* then a *firm Defenſive League* with the *Dutch*, and remain ſeparate from *France*, who can Imagine otherwiſe then that the *Dutch* would, to Cruſh the *Riſing Power* of *England*, and to buſie *France*, proſecute the Overtures privately, and contract an *Offenſive League* with *his moſt Chriſtian Majeſty?* What ſtraights *his Majeſty* had *then* been reduced unto, the moſt Vulgar capacity can apprehend. But, to gratifie the *Credulous* and *Ignorant*; ſuppoſe *his Majeſty* had prevailed with the *Dutch* for a *ſpeedy* and *real Treaty*; (which He could not by his Embaſſadour Sir *G. Downing*) Is it not now *viſible*, which the *Elevated Spirit* his Majeſty did eaſily foreſee, *That they would demand of us to Relinquiſh the Dominion of the Seas?* Which if he had aſſented unto, *what Debates* would it have occaſioned amongſt the *Lawyers*, and in *Parliament*, con- the *giving up of ſuch a Royalty? What anger and diſcontents would it have excited in the Breaſts of all his Subjects, to ſee ſo much of Puſillanimity in the King and Court, and to find themſelves, their Families, and Eſtates expoſed as a Prey to any Invader, who might ſail our Seas, and poſſeſs our Ports and*

Ter-

Territories, without giving any warning; and Fiſh upon our Seas, without our Licenſe? Nothing is more clear and certain, then that *His Majeſty* muſt have loſt the *Love of all His Subjects* to purchaſe the *ſuſpitious Amity* of the *Hollanders*. I call *their Amity ſuſpicious*, becauſe *they* never obſerve *any Articles*, how ſolemnly ſoever ratified, beyond *their Intereſt*, and *pleaſure*: And who knows but *They* might have imagined it their *Intereſt*, to *prolong* a War with *France*, until the *expenſe* thereof had exhauſted *England*? Is not *Mony* the *Nerves of War*? and is it not in *long Wars*, as in *long wreſtlings* and *ſcuffles*, where the *Victory* depends upon the *ſtrength of the ſinewes?* Is it not likewiſe evident, that, upon ſo *tedious a War*, the *King of England* muſt have been reduced to the *ſame condition*, as if *He* had been vanquiſhed by *France*? The *Dutch* would thereby have *ſurvived* as *Maſters of the Sea*, by the power of *their more numerous Fleets*, and *his Majeſty* have been neceſſitated to an *unſeaſonable breach* with them (not being *able* to perform *Covenants*) or to *pawn* the *Iſle of Wight* (which upon an *exigency* they deſired as a *Mortgage* from *Cromwell*) or *Portſmouth*, or *Plimonth*, or *Hull*, or *All*.

Let us but remember that the *defenſive Articles* muſt have been *renewed*; and calculate what the *annual expenſe* of *forty Ships*, *ſix thouſand Foot* and *four hundred Horſe* amounts unto; and obſerve that *We* ſhould pay *them*, and not be *reimburſed* till *three Years after the War is ended*. Let us but ruminate *hereon*, and think how the *Dutch* ſerved Queen *Elizabeth* upon the *like Articles*, and all the *precedent Evils* will ſeem no *futile apprehenſions*, and *dreams*. I know the *preſent humour* of the *Nation*: there is not a *Fop* or *Simpleton*, but is a *Stateſman*; and eſteems himſelf *wiſe* enough to cenſure the Actions of the *Privy Council*, and to agitate in a *Caball*, would the *King* but vouchſafe Him a place in *His Cabinet*: Let any of thoſe *profound Polititians* but phanſie themſelves *Embaſſadours* to negotiate with the *Dutch* in ſuch a *Treaty* as is related *hereafter* betwixt the pretended *Common-wealth* and the *States General*, and I am confident that, as *vain* as *They* are, there is not one will ſay *He could have concluded it with expedition*: And if ſo, *theſe men* may forbear to condemn *their King*, for not involving

Him ſelf in *tedious* and uncertain *Treaty* with *theſe perfidious States*, at ſuch a time when it was neceſſary for *Him* to fix unto ſome *Reſolution* ſpeedily. In *February* indeed the *Dutch* did ſend over a *Latine Memorial* penned by *De Wit*, and delivered by *Boreel*: but it is ſo *dubious* and *Equivocal*, that no *wiſe Man* can think *ſuch a Paper* a ſufficient ground for a *Treaty*. They modeſtly offer *to ſtrike the Flag, and lower the top Sails of their Fleets to ſingle Ships of Ours*, in token of honour and reſpect to their good Ally. not as it is His Right, *as long as we ſhall adhere to the defenſive Articles*: And *that we ſhall retain* ſo long (the empty Title of) *the Soveraignty of the Britiſh Seas, provided it be not conſtrued any way ſo as to impede them in the free uſe thereof*. By ſuch a *Treaty* we ſhould have given away the *ancient right of the Flag*, and held it by *vertue* of a *Treaty*, and ſuſpended it upon the *condition* of our adhering to that *League*: Nor could we have puniſhed the *refuſal* as *Rebellion*, but as a *breach of the League*, for which *complaints* muſt *firſt* have been made at the *Hague*. It had alſo been no more a teſtimony of *Our Soveraignty of the Seas*, but of the *civility* and *reſpect* which the *Dutch* bear unto *His Majeſty*: Or, if it had been an Argument of the *Dominion of the Seas*, that *Dominion* would have ſignified no more then the *Dominion of Jeruſalem* doth to the King of *Spain*. As to the *FREE USE OF THE SEAS*, who can tell the *ſignification* thereof? Is it in reference to *Navigation of Merchants* onely, or of *what Fleets* they pleaſe? Doth it include *our Ports*, and *Chanels*, and thoſe *Seas* called the *King's Chambers*? Doth it include the *Fiſhing without Licenſe*, or *Cuſtome*? Will it never be conſtrued ſo as to exclude the carrying *Contra-band* Goods to our *Enemies*? and that *they* may import in *what Veſſels* they will what Goods they pleaſe, and that paying what *Cuſtomes* they judge meet? I am ſure that *all theſe Caſes* are diſputed under the *grand Queſtion* about the *Freedom of the Seas*; and ſince that *ſome* do comprehend them *all* (and *more*) in that *one grant* of the *free uſe of the Seas*; it is not to be doubted but the *Dutch Caſuiſts* would inſiſt upon *all that would make for their profit*. That this may be made

more

more evident, I shall set down the Plea of the *Hanse towns*, who having asserted the Freedom of the *open Sea*, and condemned the *Venetian Soveraignty* over the *Hadriatick*, proceed in these words " Inter res communes; uti ipse imperator numerat ma- " re, & ideo nemo in mari piscari aut navigare prohibetur, " & adversus inhibentem competit actio injuriarum. *l.* 10. *Si* " *quis in mare l. injuriarum sect. ult. de injuriis.* sic littora quoq; " communia sunt, *l.* 2. *de re. divis.* Quia accessorium sunt maris, " & accessorium sequitur naturam principalis, *l.* 2. *de peculio* " *legat. c. accessorium de reg. jur. in* 6. Ad littus maris igi- " tur accedere quivis potest, non piscandi tantum gratia, sed " etiam ædificandi & occupandi causa. *l. quod in litt. de acquir.* " *rer. Dom. l. in lit. ff. nequid in loc. pub.* &c. Such Arguments as these have been made use of you see, and may be again by a *Potent Enemy*; though indeed they are vain, as the *Venetian Advocates* do shew. " Quemadmodum communio " littorum restringitur ad populum, a quo occupata sunt, *l.* 3. " *sect. littora D. de quid in loc. public.* ita etiam communio ma- " ris: adeo ut per mare a nemine occupatum navigatio sit om- " nino libera: per mare autem occupatum ab aliquo principe, " ii liberam habeant navigationem, qui sunt illi principi sub- " jecti; alii vero eatenus, quatenus idem Princeps permittit. As to the *paying of Customes*, it is notorious that the *Dutch* have by *open War* inhibited the *Dane* from advancing *his Customs* in the *Sound* above the ancient *Toll*, though the value of the *Coine* were advanced, and the *Trade* much more gainful to *them* then it had been *formerly*. It is also recorded that the *Hanse-Townes* did refuse to pay any *higher Customes* to *Q. Mary* and *Q. Elizabeth* then had been paid in the dayes of *Edward* the 3*d*. urging that such an *enhansment of Customes* was a prejudice to *Commerce*, and the *Freedome of the Navigation*. One Reason of the quarrel betwixt the *Dutch* and the pretended *Parliament* was, because *they* were prohibited to *import Goods that were not of their growth*, and *excluded traffique with our Plantations*. This *they then said* was contrary to the *Freedom of Commerce*, and the orders *about it*, which had been *immemorially observed*: And the same complaints were urged by the *Hanse-Towns*.

Upon &c.

Jo. Angelus *J. C. de rebusp.* Hanseat. *part.* 6. *pag.* 85. *Edit. Francofurti Anno Dom.* 1641.

Julius Pacius *de Domin. maris* Adriatici.

The Hanse-Towns *urge many* authorities *and disputes against all* Customes *and* Tolls *upon* Merchandise. Jo. Marquard. *de jure commerc. l.* 2. *c.* 3. *sect.* 4.

Leo ab Aitzma, *p.* 760. Jo. Marquard. *de jure commerc.* 4. *c.* 3. *sect.* 28,

Upon theſe conſiderations, I ſhould have ſaid, Let us then lay aſide all conſiderations of renewing an *uncertain, dilatory* and *inſidious Treaty* with the *Dutch*: Let us not ſeek the *Amity* of Perſons ſo *Treacherous*: Let us not give *them* the opportunity to deceive us *twice in one Year*; Let us not provoke againſt *Us* the Arms of *France* by entring into a *Defenſive Alliance* with thoſe *ungrateful, inſolent,* and *perfidious Hollanders*; whileſt we cannot be aſſured of their *Freindſhip*. If the Power of *France* bend it ſelf upon the *United Provinces*, and *they* by *our aſſiſtance*, become *victorious*, the *Glory of the ſucceſs*, will be by *all the World* appropriated to the *Dutch*, and the Atchievements of the *Engliſh*, drowned by the *fame* of the *Dutch exploits*; they being *Principals* in the War. It too much *derogates* from the renown of *England*, that *they* have dared to *affront*, and conteſt it with the the *Grandeur* of *France*: What if *they* preval? *Their Authors* now challenge for *their Republick* an equal reſpect to what is paid to *Crowned Heads*. To what *height* will their *Pride* hereafter tranſport *them*? May *We* not juſtly apprehend by *this*, and *their Arrogance* at *Munſter*, that *they* will claim precedence of *all*, or *moſt Kings*? Let us but conſider how much it concerns *Our traffique*, that our Prince be *reverenced abroad*: Let us but inquire whether *remote States* do not admit, or exclude *Us* from commerce, according as the *Reputation of our King, as to ſtrength, and conduct*, is *greater, or leſs* amongſt *them*: And *We* ſhall not want *Motives* to induce *Us* by all means to hinder them from eclipſing *Us* in point of *Reputation*. But, ought *We* not alſo alſo to apprehend their *immoderate growth in ſtrength*? Will *they* change *their natures*, and *principles* with *new acceſſionals of Power*? Will *they* become leſs *Avaricious*, leſs *Inſolent*, leſs *Treacherous* by thoſe fair additions? Shall *We* be able to live more *quietly*

Quod ſi Reſp. Veneta, propter Cypri *& Candiæ regna exigua, Regibus æqualem ſibi dignitatem aſcribit, quanto meliori jure* Fœderatum Belgium, *cujus* Majeſtatem *maximi Reges agnoſcunt*, eodem Privilegio *utetur?* Georg. Hornius *Hiſt. polit. diſſertat.* 16. *The Author of the* Alcedonia Fœderati Belgii *Printed at* Leyden, 1667. *Having repreſented the* Dutch *as* Victors *over the* Engliſh, *doth tell the* States General, *Vos mihi ut olim Aulæ Magiſtri ſeu Præfecti Palatii Pariſiorum*, Martelli, *aut* Romani Senatores; *ſi* non Reges, *ut* Regum Domini, *mihi perpetuo colendi, obſervandi, ſuſpiciendi.*

quietly and *ſecurely*? Shall our *Merchants* Trade more *peaceably*? Shall our *King* be entreated more *reſpectfully*, when *they* become more *puiſſant*: Who have enforced the *Engliſh* by ſo *many Warrs* (as well as *Remonſtrances*) to vindicate our *juſt Rights and Honours*? If theſe things be unimaginable, if *great Arrogance* be an uſual Concomitant of *great Power*; If *Ambition* fortified with *Strength* doth ordinarily break all Bonds, and cancel all Leagues of *Amity*, which are Obſtacles to its Progreſs; If *Covetouſneſs* exert it ſelf more and more according as its *opportunities* increaſe: What *Affiance* can we place in the *Hollanders*, when *they* ſhall grow more *Potent* and *Renowned*? And how vehemently ought *We* to apprehend, leſt *their States General* do grow too *High and Mighty* for *Us*? I remember a *Speech* made by the *Dutch Embaſſadours* to *Q. Elizabeth*, Anno Dom. 1598. when they dehorted from making any Peace with *Spain*, they repreſented unto *her Majeſty* the *Ambition*, *Avarice*, *Cruelty*, and *Inſolence* of the *Spaniard*; which qualities ſince *he* was not likely to change, it was in vain for Her to think of a ſafe and *durable Peace*: The *ſame Inclinations*, the ſame *Incentives* continuing, would in a ſhort ſpace produce their uſual effects; that by this *Amity* ſhe would but give him time to Recruit that *Strength* which would be employed againſt Her. The concluſion with a little Change runs thus: Grotius *de bello Belgico. lib.* 7.

"Thoſe Kings and States have taken wiſer Courſes, who "without any particular Provocation, have made a timely "Oppoſition to growing Empires, leſt the Conqueſt of their "Neighbours ſhould render them a Prey to the Victour. "They knew that there are ſome Wars made to procure a "Peace, ſome becauſe no Peace can be had. For as betwixt "Fire and Water, both being of a contrary Nature, ſo be-"tween thoſe that are ambitious to Rule over all, and thoſe "that ſcorn to become Tributaries and Vaſſals to any, there "is a perpetual Strife and everlaſting Enmity; wherein 'tis "too late to revenge Injuries, when received: It becomes "the Wiſe, and it is moſt Glorious to prevent them whilſt "they are yet only Threatned, or Imminent. Heaven hath "not given unto Kings their Power and Government only

"that

"that they might redreſs and puniſh Evils; their chief Buſineſs and Care ought to be to provide that they may never happen. He doth not ſo much as defend himſelf, who "contains within the narrow bounds of Defence. Wicked "minds are excited by Impunity. Whether the *Dutch* "make War with *France*, or enlarge their Conqueſts in both "*Indies*, or Fight with the *Dane*, or *Swede*, or with great "Fleets guard their Fiſhermen, and Merchants, thoſe dan"gers which we do not yet feel, do ſtill hang over our "Heads; and whilſt they are in Arms, *England* muſt be in "a continual Jealouſie, and at a conſtant Expenſe. The "queſtion is, Whither it be beſt to perpetuate, or diſpel our "Fears? And which is the moſt prudent courſe, to ſpend "our own Incomes, or ſubſiſt upon the Spoils of others." Theſe conſiderations prevailed with *that Queen*, whoſe *Memory* and *Actions* are to this day Celebrated and Reverenced in *England*. Were that *Queen* now alive, let us examine what *Maxims* She would inculcate to *this Age* upon the *preſent Juncture*; and if we may conjecture by *her paſt Deportment* what *She* would urge, it would be to this effect; *Never to Relinquiſh any thing of Honour; A Prince deſpiſed, and contumeliouſly uſed, is already half-ruined: If he endure it long, he is totally loſt at Home and Abroad.* She made the States decree Death to ſuch as ſhould *Libel*, or revile *her Majeſty*; and one reaſon of Her quarrel with *Spain* was, that the *King* had ſlighted her Embaſſadours. *Never to abandon the Dominion of the Sea; but to maintain conſtantly ſuch a Fleet of Ships as may ſecure it, and ſtrike an Awe into the Neighbouring States: To propagate Trade by all poſſible means into all Parts, as the principal means of encreaſing the Riches of private Men, the Revenues of the Prince, and the Renown and Puiſſance of the Realm. To improve the Fiſhery by all manner of Contrivances, as obſervation of Lent, and Faſting-days, encouraging and protecting the Fiſher-men; whence will ariſe, beſides the effects for a gainful Trade, a conſtant Seminary of Mariners, inured to the Sea, acquainted with the Coaſt, and skill'd in Navigation. Never to ſuffer any Nation to grow more Powerful at Sea, or greater Traders then our ſelves;*

E Reidanus *Annal. Belgic. l. 6.* Anno Dom. 1587.

ſelves; *but by ſundry Artifices, or open War to diſtreſs them, and draw the Trade to* England. Thus *She* undermined the *Hanſe-Towns*, becauſe they did prejudice the *Engliſh* Trade; notwithſtanding that many of them did profeſs the *Reformed Religion*. Such *Aphoriſms* as theſe would *She* inſtil into the *Engliſh* were She now living: And I am confident had *She* lived to ſee *France* and the *United Provinces*, both in their *grandeur* laſt Winter, *She* would neither have ſtood *Neutral*, nor joyned *Her* Forces with thoſe of the *Dutch*. Againſt a *Neutrality* it is a Rule in *Politicks*, That *in a War begun betwixt two mighty States, it is dangerous for a Third, and Neighbour to them both, not to be a Party being called into the Action: For he is in peril of becoming a Prey to the incenſed Victor:* Except the *Neutral Prince* be ſo Potent, as to be able to ſecure himſelf from the *Conquerour*. But this not being *our condition* at preſent, the next Debate is, *Whether we ought to adhere to the United Provinces, or to France?* Againſt the *United Provinces* ſo many Arguments have been already Alledged, that it is a ſhame not to aſſent unto *them*; except the *like* or *greater* can be produced againſt the *League* with *France*.

Conſul Quintus ad Achæos *Quod optimum eſſe dicant, non interponi vos bello: Imo nihil tam alienum rebus veſtris eſt: Quippe ſine gratia, ſine dignitate præmium victoris eritis.* Livius *l.* 35. Scipio Ammirat. *diſc. polit. l.* 18. *diſc.* 7. Didac. Saavedra *Symbol. polit.* 115.

Although it be *true Policy* for every Prince *to oppoſe the exceſſive growth and ſtrength of another State, that it arrive not at that keighth of Puiſſance, as to be able to reduce the reſt under obeiſance*; yet Wiſe men ſuggeſt *many conſiderations* before a War be commenced againſt this ſo *Potent Empire*: For, if we judg of *Events* by the ordinary courſe of Humane Affairs, whoſoever makes War upon a State *infinitely* ſurpaſſing *his* in Power, doth but occaſion *his own Ruine*; Neither is it providential for a *weak Prince*, though *he* foreſee that *he* ſhall be at laſt ſubdued by *this puiſſant Empire*, therefore to run *Precipitouſly* into a War againſt *it*; any more then it would ſeem Wiſdom, for a company of Men to Accelerate their own Deſtruction, becauſe they are aſcertained that *in time* they ſhall be Deſtroyed. If the *Queſtion* were

Scipio Ammiratus *diſc. polit. l.* 20. *diſc.* 11.

now the *ſame* that it was in the days of *Cromwel*, which way the Scales ſhould be turned betwixt Riſing *France*, and Declining *Spain*, the *debate* might end in favour of the Houſe of *Auſtria*; but ſince that *Cromwel* by Aſſiſting *France*, and Depreſſing of *Spain*, hath contributed much to the *paramount Greatneſs* of that *Monarchy*; and that *His Majeſty of Great Britain* hath, ſince *his Reſtauration*; been *enforced* to employ his Cares upon thoſe *moſt neceſſary and urgent Affairs* of compoſing his diſtracted Kingdoms, Re-eſtabliſhing the Government, Securing and Advancing the Trade of his Subjects in oppoſition to the *Hollanders*, without leiſure to regard the *growth* of the *French Monarchy*: The Caſe now ſeems different *from what it was*, and it doth not ſeem prudential to oppoſe the *greatneſs of France*, now that it is Arrived unto its preſent *Heighth*, under ſo *Haughty, Martial, and Wiſe a King, ſo able Council, ſo plentiful a Treaſury, ſo Vaſt, Well-commanded, and Well-diſciplined Armies*. There is no *one State* that is able to Counter-poiſe the Forces of *his moſt Chriſtian Majeſty*; and *great Leagues*, which are to be made up of a multitude of *Parties* and *Confederates*, are ſo *uncertain Strengths* to be relied on by *the Wiſe*, that Hiſtory doth not acquaint us with any Inſtances almoſt of their *ſucceeding well*; and 'tis manifeſt to any who underſtands the *Genius* of *this Age*, that any ſuch *League* would become *Ineffectual*. Let *Us* therefore reſolve, that it is *at preſent* beſt for the *King of Great Britain* to joyn his Arms with thoſe of *France*, leaving off the reſpects unto *Remote* and perhaps only *imaginary Evils*, that may never fall out. Let it be thought a *more ſafe* Procedure, to Acquieſce in the *Royal Word* and *Honour* of the *King of France*, then in any *promiſes* of the *Hollanders*: Let it be conceived that the Deſigns of *Univerſal Monarchy* in *Europe*, are vain and ſucceſs-leſs Projects; that a *thouſand Caſualties* may diſappoint them, and that *his moſt Chriſtian Majeſty* may Die, and leave an *Infant*, or a Succeſſor, whoſe *Inclinations, Wiſdom*, and *Conduct*, may not be equel to *his*. But the Caſe is different in regard to the *Dutch*, for there is no *Death* to be looked for of the *States General*, but in the ſubverſion of the *Republick*:

A ſucceſſion of Men educated to the *ſame Principles*, and capable to manage the *ſame Projects*, is *there* perpetuated: *Trade* is the great intereſt of *England*; the *Dutch* have now in a manner engroſſed it; the *French* are not Competitours with *Us* for it; and, by reaſon of the incommodiouſneſs of their Harbours, and the unfitneſs of that Nation to manage *Traffique* with other People, perhaps never may become our *Rivals* therein: So that this benefit will ariſe by the *French* alliance, that the *Engliſh* ſhall divert the *Traffick* of the *Dutch*, and with much advantage *ſcramble* for the greateſt part with the *French Merchants*: and *that Fiſhing*, which the *Sates General* do eſteem one of *the Principal Revennues and happineſs of their Provinces*, will inevitably devolve unto *theſe Realms*. Beſides, a War with *Holland* (upon the account of *Prizes*) is leſs *expenſive* then a War with *France*: And it hath this further advantage, that it *weakens* our *onely competitour in Naval ſtrength*; and the ſame *maritime Force* which baffles *Holland* will ſecure *Us* of the *French amity*, revenge the injuries we have received, and regain that *Honour* which they have ſo *Villanouſly* clouded and bereaved *Us* of abroad: the *recovery* whereof, and the revenging the *indignities* done to our *Prince*, are *conſiderations ſuperiouri* to any that can be alledged unto the *Engliſh*, and the ſole means remaining whereby to convince the World that *our Friendſhip* and *Enmity* is of any *importance*: It cannot be expreſſed what *great Reſpect* and *Confidence* in *Friends* theſe Superficial things created from opinion do produce, nor what *reſervation* and *fear* they beget in *Enemies*. How much doth it concern *ſick* and *crazy States*, for preventing the Obſtructions of *Recovery* and of *Reſtitution* to *Health*, That it be believed *they are in Health*, and and have alſo *Forces for defence* againſt aſſaults? The *two Principal Parts* of the *Greatneſs* of a State are theſe; and to ſeem to have *them* is oftentimes as available, as if we were poſſeſſed thereof.

So it is ſtyled in the Dutch *Proclamation for the regulating of the* Herring fiſhing. *Subſiſtit præterea tellus* perpetua illâ magnâq; piſcatine, navigationêq; *peculiaribus plane propriiſq;* Hollandorum *profeſſionibus* Lud. Guicciardin. *in deſcr.* Hollandiæ.

Mr. Silhon *Miniſter of State part.* 2. *diſc.* 9.

Have we not ſeen this evidently in in the late Grandeur *of the* Dutch, *who ſubſiſted mainly by the opinion all had of their good* Government, Wiſdome, *and* Puiſſance?

There are but two *Material Objections* that can be urged with any *ſpecionſneſs* againſt the preſent *Alliance* betwixt *His Majeſty* and the *moſt Chriſtian King*; and one is drawn from the *regard to be had unto Proteſtancy in general*, the condition whereof may be weakned by the Conqueſt of the *Dutch*, and ſo become obnoxious to the *new* prevailing *Popery*. The other is deduced from this conſideration, that we aſſiſt a *Roman Catholick Prince*, againſt the *Proteſtant State*, the *Governours* whereof howſoever they have been ſo *irreligious* as it is ſpecified and univerſally acknowledged, yet the *publick* Reſtauration of the *Papiſtical* Religion, and the excluding of the honeſter and *more real* Proteſtants from *their Churches* and *Evangelical Liberty*, do ſeem to make the *Alliance* to be *un Chriſtian*, and *un-lawful* in *Us*, who believe the truth of *Proteſtancy*, and the *Idolatries* and *Impieties* of the *Church* of *Rome*; and although we do verily believe that *His Majeſty of Great Britain* hath not in this League any *direct intention* to extirpate *Proteſtancy* in *thoſe Countreys*, yet ſince the *conſequences* and *events* of *Actions* are to be examined, and in point of *Conſcience* and *Morality* to denominate an attempt *juſt* or *good*, we ought to regard the *final Iſſue* thereof; for if the *general* or *moſt frequent* conſequences of *ſuch Councils* be *evil*, the whole *Series* becomes ſo, and the *will* of the *Author* is at leaſt *indirectly* criminal and *culpable*. It being a *Rule* amongſt the *Caſuiſtical Divines*; Quando ex factis noſtris *indirecte* graviſſima ſequuntur, vel ſæpe, vel plerumque mala, actionem cetere quin de ſe indifferentem, reddunt *illicitam*, perinde ac ſi *directa voluntate* appeterentur: Secus vero, ſi *per accidens*, hoc eſt *raro* tantum, & quaſi caſu aliquo conſequantur. *When moſt grievous evils* (and ſuch are the *prophanation* of the Reformed Churches, the Reſtauration of the *Idololatrical* and *Antichriſtian Maſs*, the *contempt* and *ſubverſion* of *Proteſtancy*, the *leading of theſe into temptation*, if not *deſtruction for whom Chriſt died*) *do conſtantly, or moſt commonly enſue upon any action of ours which is indeed in it ſelf indifferent, the action is thereby rendered ſo unlawful, as if we had* directly intended *all thoſe evils: But the Caſe is otherwiſe where theſe*

evils

evills do ſeldome, and as it were thorough un-foreſeen chance fall out upon any indifferent Action *of Ours.*

To *theſe Scruples*, which indeed are of *ſome moment*, and were tranſmitted unto me by an *unknown hand*, I do return this *perſpicuous* and *ſatisfactory* Anſwer: and I ſhall begin my reply by a Solution of the *latter*, and then proceed to the *former*.

It is moſt certain that the *Meaſures of our Love to others are to be taken from the affection we bear to our ſelves: We are to love our Neighbours as our ſelves*, but not *better*. That common Proverb, *Charity begins at home*, is a principle of *Nature*, and Conſonant to the *Goſpel*. The War, on the part of *His Majeſty*, is purely *defenſive*, and was *inevitably* drawn upon *Him* by the *arrogance* of the *Dutch* in vilifying the *Honour* of His Majeſty, and of *his Realms*; their injuries in detaining *ſome*, and oppreſſing others of *His Subjects*: their *treachery* in breaking the Articles made at *Breda*, whereby *His Majeſty* was deprived of *that ſupport* whereon *he* might rely in oppoſition to the Grandeur of *France*; their conſtant *treachery* in the *forming* and *obſerving* of *Leagues*, whereby it became unſafe for *his Majeſty* to enter upon, or preſume on any *Treaty* with *them*. Out of all *which conſiderations* it is manifeſt to the moſt *prejudicate Perſons*, that *His Majeſty* is totally *innocent* as to any *evil conſequences* which enſued upon the *Alliance* and *War*; and the whole *blame* is be transferred upon the *Dutch*. There hath never happened a *War* in the World (that I remember) wherein *thoſe onely ſuffered by the conſequences thereof which were guilty of its occaſion*: Thoſe that are Subjects to *hereditary Princes* might be better *abſolved*, then thoſe whoſe *Magiſtracy* is *elective*, and their *Authority* more *precarious*: But as there are *juſt Wars* betwixt *ſucceſſive Monarchies*, ſo the righteouſneſs of *this* with *the united Provinces* is moſt *notorious*; the *generality of the People* being ſo exaſperated againſt the *Engliſh*, and ſo *malevolent* towards *His Majeſty*, that 'twas *thence* their *Superiours* derived much of *their confidence*. They did believe the ſuggeſtions of *John de Wit* and *his Partiſans*, that *His Majeſty* did *ſeek*, what *He could not avoid*: That what *they* made

un-

unavoidable, was purely the effect of *his unſatiable avarice*, and *ambition*: That *he* was the moſt *blood-thirſty* perſon in the World; that He armed againſt them ſuch a *Militia*, as would make *Fricacies* of their Children, and Salt up the *Men* and *Women* for *Naval Proviſion*. If the *prevailing Party* (which ſwayes their *Councils* and *Determinations*) were *thus animated*, whatſoever be the fatal conſequences of the *War*, they are not to be imputed unto *Us*, but unto the *Loeveſteine Faction*, and their *deluded* or *malicious* adherents: If their *ill ſucceſs*, and *time* hath undeceived *ſome*, what doth *this* reflect upon the *Reſolutions* which His Majeſty aſſumed *laſt Year*, before they were *diſ-poſſeſſed*? We may reckon them *unfortunate*, we may *pity* thoſe who were *averſe from the War*, (and *His Majeſty* did expreſs as much concern for the intereſt of the Prince of *Orange*, as the nature of *His Treaties* would permit) but we can charge *no injuſtice* upon the *Arms* of our *King*. There was heretofore a ſort of People who did not think it *lawful* for *Proteſtants* to contract Leagues with *Papiſts*, or *Idolaters*. But Prince *William* of *Orange* (and *His Divines*) did long ſince refute *this Opinion*. For albeit that the *Iſraelites* might not make any League with the Inhabitants of *Canaan* (whom God deſtined unto deſtruction) yet with other Nations, as with *Hiram* King of *Tyre*, the Kings of *Ægypt*, and *Aſſyria*, &c. they might. The *Cantons* of *Swizzerland*, as well *Proteſtants* as *Papiſts*, are confederated for mutual defenſe: The *Proteſtant Princes* of *Germany* joyn with the *Papiſts* in one *Empire*, and in the Election of a *Romaniſt* to be Emperour: The ſame *Princes* have ſometimes called in (*by League*) the *French* to their aſſiſtance; as *Geneva* hath implored *their* protection againſt the *Savoyard*. If we conſult the *Law of nature*, the reſpect we owe to our *Lives*, *Liberties* and *Eſtates*, requires *this* at our hands, that we preſerve our ſelves; and if we cannot effect thus much by our *Domeſtick Forces*, we muſt recur to forein aſſiſtance: The *Law of Grace* doth not deſtroy that of *Nature*; hence it is that the *Obligation* doth ſtill remain, and that thoſe Alliances made by *Kings* with *Infidels* and *Hereticks*, when *profitable* or *neceſſary*, may not juſtly be blamed. Do we

E. Reidanus *Annal. Belgic. l. 2. Anno Dom.* 1579.

we not ſee in *holy Writ*, how the *Patriarchs*, and the moſt renowned *Kings* of *Juda*, have authorized this Doctrine by their Example? Did not *Abraham* covenant with *Abimelech* both for *himſelf* and *his Poſterity*? as alſo with the *Canaanites*? was not *Lot* confederate with the King of *Sodom*, and went to *War* in his Company? The *Maccabees* (though zealous in the obſervance of their Religion) did yet conſederate themſelves with the *Lacedæmonians*, and *Romans*. King *David* joyned his Forces with thoſe of the *Philiſtines* againſt *Iſrael*; nor doth it appear but *He* would have fought in that quarrel, ſince *He* tells the King, *now thou ſhalt ſee what thy Servant will do*. To paſs by the examples of *Antiquity*, let us deſcend to latter times, where ſeeking for Proofs of this Truth, we find St. *Paul* recommending to the Primitive Chriſtians *a Peace with all men*. He himſelf makes uſe of the protection of the *Phariſees* againſt the *Saducees*, and refuſeth not to be ſecured againſt the violence of the *Jews* by the aſſiſtance of two hundred Archers and ſeventy Horſemen, *all Infidels*. What can be objected againſt this Reaſon? It is permitted every one to make an alliance with all ſuch as are compriſed under the notion of *Neighbours*; and it may not be doubted, for the *Son of God* hath commanded Us to *love them as our ſelves*. The *Infidels* are poſitively comprehended under *that Title*, eſpecially when they are *of advantage unto us*; as *Jeſus Chriſt* teſtifieth in the Parable of the *Samaritan*: And by conſequence it is evident that alliances with *Infidels*, and *Hereticks*, are permitted unto Princes. If it be ſaid that a *Prince* may make an *alliance* with *ſuch*, to have *Peace* with *them*, or *commerce*; or perhaps employ *their Forces* againſt others of the ſame Religion with *them*, but not againſt ſuch as profeſs *the ſame Religion* with *himſelf*. I anſwer that the *general practice* of *Chriſtianity*, hath been otherwiſe. How often did the Emperours of *Conſtantinople*, the Kings of *Spain* and *France*, contract for the aſſiſtance of the *Sarracens* againſt *Chriſtians*?! Which of theſe *Realms* hath not conſederated with the *Turks* to invade the *Chriſtians*? Which of them hath not combined with the *Hereticks*, and made uſe of *their aſſiſtance* againſt *their Enemies*, though

of

of the *ſame Religion* with them? If we turn our Eyes upon the *Proteſtants*, do we not find *Q. Elizabeth* contriving with the Count of *Embden*, how to undermine the *Hanſe-Towns*, many whereof were *Proteſtants*? Do we not find the *Dutch* aſſiſting the *French* King againſt the *Proteſtants* of *Rochel*? Do we not read of *Maurice* Duke of *Saxony* aſſiſting *Charles* the Fifth againſt the other *Proteſtants*? Did not the Houſe of *Brandenburgh* do the like? Have not the *Swedes* fought againſt the Duke of *Saxony*, and other *Proteſtants* in *Germany* (who were reconciled to the *Emperour* by the Peace of *Prague*) and did not the *one Party* adhere to the Houſe of *Auſtria*, whilſt the *other* was ſupported by *France*? Have not the *Danes* fought againſt the *Swedes* by confederation with *Poland*, and the *Emperour*? In ſuch caſes *every Party* regards the other as *Potent*, *Ambitious*, and *Injurious Adverſaries*, not as *Proteſtants*, and whatever Dammage befals the *Reformed Religion* in the heat of *War*, it is to be charged upon thoſe that give occaſion *thereunto*, not unto them that are enforced to *ſecure themſelves*. We muſt diſtinguiſh betwixt the *Church* and *State*; this War is not commenced againſt the *Firſt*, but the *Latter*; nor doth *his Majeſty* contract to advance the *Religion*, but *Dominions* of *France*: What ſoever hath, or may fall out as to the *Popiſh Religion* being reſtored in the *United Provinces*, is not to be imputed unto *Us*, but unto the *French*, who are *Zealous* for its Promotion: His Majeſty is but *indirectly* and *by accident* concerned therein, it being contrary to *his Wiſhes* and *Inclinations*, nor can *He* be ſaid ſo much as *Interpretatively* to Will the thing. We ought to diſtinguiſh betwixt *thoſe events* which do by a natural conſequence follow *our own Actions*, and thoſe which enſue *accidentally*, by reaſon *our Allies* are of *another Religion*. Though there may be found a way to

Diſtinguendum inter eventus malos, qui naturali quadam colligatione, ſeu conſecutione noſtram actionem conſequuntur; & eos qui ex aliorum libera voluntate ſeu malitia ſequi ſolent. Eſto igitur doctrina iſta de indirecta *vel* interpretativa *malorum eventuum voluntate in prioris generis effectibus, vel* ſemper, *vel potius* plerumque *locum habeat; nullo tamen modo* generaliter *ad illos caſus extendi poteſt, in quibus* eventus malus nullo naturali noſtræ actionis influxu, ſed ex ſola libera voluntatis alienæ perverſitate ſequitur. *Nam ex communi* Theologorum *ſententia*, nemo tunc tenetur ab huiuſmodi actione temperare, ſi juſtam aliquam habeat cauſam rationemq; faciendi. *Ex*

argue

quæſit etiam, ut tunc *neque* expreſſe, *neque* interpretative *mala conſequentia* velle, *vel* perpetrare, *vel* eorum reus eſſe *cenſeatur.* —— *Bello concordiam quærit; & ſiquid in eo gerendo præter votum acciderit, non* voluntatis *crimen eſt; ſed* neceſſitatis, *cujus amariſſimæ ſunt leges, & truculentiſſima imperia.* —— Hoc poſito quod voluntas ſit boni, nullus belli eventus eam poteſt efficere malam, cum bonitas voluntatis ex ſolo pendeat objecto. *Thom. Aquin. Quæſt.* 9. *Art.* 2.

argue an *indirect*, and *interpretative Will* in the former caſe; yet that cannot be extended indefinitely to all ſuch *evil contingencies* as ariſe not from *our Wills*, but the *particular intendments* of another. And it is a received *Maxime* amongſt the *Caſuiſts*, that in ſuch Circumſtances no man is bound to avoid ſuch enterpriſes, if He have *juſt Cauſes* and *Reaſons* moving Him thereunto: Nor can he be ſaid either *expreſly*, or *interpretatively* to *Will*, or *occaſion* theſe *evils*, which thus enſue; nor is *He* any way guilty of them. If then the *War* with the *United Provinces* be *Juſt* (which is an unqueſtionable truth) if it be *lawful* for the *Proteſtant* King of *Great Britain* to enter into a *League* with the King of *France*, though a *Papiſt* (which cannot well be queſtioned) thoſe conſiderations ought not to perplex the *Conſciences* of any *Engliſh* man, which ariſe from the *voluntary* and *ſubſequent* proceedings of *his moſt Chriſtian Majeſty*. It became the *States General* at firſt to weigh *thoſe things*; they are *extrinſical* to our Buſineſs: But we ought to take notice with what *circumſpection* as to *this point* his Majeſty hath proceeded, by Inviting them to come *hither*, and ſecurely to profeſs *their Religion* in *England*: Whereupon his Majeſty did moſt *pionſly*, and *motu proprio*, make as great a *proviſion* for the ſupport of the *Proteſtant Religion*, as it was poſſible for *him* in that condition, which the *Treachery* and *Villany* of the *Dutch Governours* had reduced *Him* unto. They had made the Intereſts of the *two Nations* to be *incompatible*: and as it becomes all *Engliſh-men* to preſer their own Welfare before that of a *Stranger*; ſo it is manifeſt that the *Reformed Religion* will be in a better Poſture by the *Grandeur* and *Puiſſance* of theſe *Realms*, than if *they* ſell under the force of *Holland*. Out of what hath been alledged in Anſwer unto the *firſt Scruple*, there hath been *in a manner* ſuggeſted a *Reply* unto the *Second*: Yet I do further ſay, That his Majeſty hath a

Cordial and ſincere regard unto the *general good of the Proteſtants*; and how much he regarded the welfare of the *Dutch*, it doth appear by the Treaty at *Breda*, the *Triple Alliance*, and *Defenſive Articles*: It is not in *His Power* to oblige them further *againſt their Wills*; nor is it requiſite and fitting that he give up the *Rights of England*, and abandon the concerns of His *natural Subjects* for the benefit of *Holland*. It is for the *general benefit of Proteſtancy* that *England* flouriſh, rather then be deſtroyed: *Hereunto* His Majeſty hath bent all His Councils; He neither ſought *this War*, nor ever declined a *juſt* and *honourable Peace*: We cannot expect *He* ſhould perform *impoſſibilities* in behalf of the *reformed Religion* in general: and we ought not to amuſe the *People* with inſinuations that are either *vain*, or *malitious*. Let us rather contemplate the ſucceſs which hath happened upon the conteſts betwixt *Proteſtants* heretofore: When *Maurice* aided *Charles* the 5*th*. though the *Lantgrave* of *Heſſe*, and *Elector* of *Saxony*, both were overthrown in the quarrel, yet was not *Proteſtancy* it ſelf prejudiced thereby; and the *like events* have ſundry times fallen out: ſo that we have no ſuch reaſon to *prognoſticate* theſe calamities unto the *reformed Religion*, whether we attend ur to *experience*, or the good will of God in the *diſpoſition of affairs*: and whilſt we perplex our ſelves about the *Hollanders*, it may be *they* are now ſaying, *It is good for us that we were afflicted*: They may now be reclaimed from their *Pride* and *Inſolence*, and at once become *better Chriſtians*, and *better Neighbours*.

But to reſume my Diſcourſe: The Reaſons aforeſaid (did not the more elevated judgement of *His Majeſty* ſuggeſt unto *Him* any others) are ſufficient to authorize our *Amity* with *France*, and *Enmity* with *Holland*: Which *His Majeſty* did ſo conclude upon, as to remember the *Engliſh* intereſt in preſerving *Flanders* unto the *Spaniard*: The *Embaſſadour of that Crown* (I am ſure) hath with *repeated Declarations* been ſatisfied that *His Majeſty* did not intend, nor had, by *this League*, abandoned thoſe thoughts which at firſt led *Him* to enter upon the *Triple Alliance*; and that an *Article*, to that purpoſe, was *ſo penned*, that a Son of *Spain* could.

could not have been more expreſs *as to that point*, then the King of *England* was. If *his Majeſty* did tranſact this whole affair with *great ſecrecy*, it is an Argument of His *extraordinary Conduct*; which was neceſſary to ſo *great an affair*. If *He* did not adviſe with the *Parliament* about the War, let us believe it not to have been fit that *His privacies* ſhould be made publick, or that the *League* ſhould be *protracted* by *their tedious debates*: and let us acknowledge that according to the *Engliſh Laws*, His Majeſty is *ſole Arbitrator and Judge of War, and Peace*: and if our Kings have ſometimes adviſed with their *Parliaments* about *Wars*, they were never obliged thereunto.

If that hitherto the *Conduct* of *His Majeſty* hath appeared to be *ſuch*, that every man muſt be ſatisfied with *His care* and *vigilancy* for the *welfare*, and *honour* of His Subjects: that which I now come to treat of is ſuch an *Action*, that repreſents *His Prudence* to be as great as *Clemency*; and as by the latter *vertue* He hath equalled Himſelf to the *beſt* of *former Princes*, ſo I am confident that *Antiquity*, even thoſe Ages, which our *Homily* terms *purer then our's*, did never produce any *contrivance* equal to what I now come to diſcourſe upon; and that is, *His Majeſties Declaration to all His loving Subjects* March 15. 1671. To do *His Majeſty* juſtice about *this point*, and to deſcribe the *excellency* of that *adviſe*, I ſhall chooſe to imitate the Painter of *Crotona*, who being to draw the Picture of *Venus*, aſſembled all the *beautifull Damſels* of the *City*, and by reducing all thoſe *perfections* which were ſcattered amongſt them into one *Effigies*, did pourtray *His Deity*: or as in ſome *Optick Tables*, the beauties of a multitude of *little Figures* are transferred, and by *reflexion* form the *Image* of ſome *Hero*, which is all *life*, *charm* and *attraict*: Thus I will *faithfully* repeat the *ſeveral Decrees* of the *Chriſtian Emperours* in the *pureſt times*, whoſe *Prudence* and *Piety* hath endeared *their memories* unto *all the Church*, and whom the *Church* of *England* doth *oblige* all *Her Sons* to have in *Reverence*; and thence it will be manifeſt that *His Majeſty* hath revived again, *with advantage*, that *Piety* and *Policy* which is thought to have declined theſe *thirteen hundred years*.

Before I deſcend to the *particulars*, it is requiſite that I deduce theſe *Counſils* of His *Majeſty* from their *true Original*; that is, *His great Devotion unto, and tenderneſs for the preſervation of the Church of England.* Were *Our Church* retired into the *Wilderneſs*, were their Dioceſes in the deſarts of *Thebais*, or ſome *unknown* corner of the Earth, the *Eccleſiaſticks* might with ſafety perhaps attend unto *their Devotion*, and perform in their *Cells*, *Hermitages*, and *Mandræ*, the duties of Religion, *with poverty*, and *without moleſtation.* But ſince it hath pleaſed *Divine Providence* to advance the *Chriſtian* Church above its *Primitive Streights*, (*want* and *perſecution* being originally its *allotment*) to reduce the Kings and *Emperours* of the Earth unto the *Chriſtian* Faith, and to incorporate the *concerns* of *Religion* with thoſe of the *Empire*, other contrivances, other means are neceſſary to ſupport the *Luſtre* and *Grandeur* of *this Church* now, then were practiſed in its *firſt condition*; and thoſe are ſuch as conform with the dictates of *humane Policy.* It is now no leſs requiſite unto the *Clergy* that the *Nation* be *puiſſant*, *populous*, and *rich*; then it is unto the *Layety*, and the common intereſt of all is, that the *Monarchy* be ſupported, and *Rents* duely paid: But theſe *ends* could not be accompliſhed without the *Declaration* aforeſaid. As to the *Diviſions* in theſe Kingdomes, the *Sects* and *Hereſies* which diſtract and afflict the *Church*, His Majeſty is innocent as to their *original*, and *progreſs*: *Inimicus homo fecit hæc.* He did not make them, but *found* them, and from *Holland* they were conſtantly *fomented.* His Majeſty not only by *His Royal Example*, but by ſundry *Acts of Parliament*, and reiterated endeavours for the ſpace of *twelve Years*, hath laboured to compoſe the affairs, and promote the *intereſt* of the *Church of England*; And perhaps if all others, *in their proper Spheares*, had contributed as much to the *removing of Scandals*, and re-eſtabliſhing of the *Peace of the Church*, there had not been any need to exchange the wayes of *Coercion* for thoſe of *Toleration.* But ſince thoſe *pious intendments* of His Majeſty have been fruſtrated ſo long, partly by the *negligence* and other *defaults* of ſome, and the untamed *obſtinacy* of the *Sectaries*, it

it ſeems the dictate of *ordinary Wiſdom*, rather to *endure* then attempt the healing of *inveterate Ulcers*, and to continue *them* as *running Sores*, rather then to endanger the *whole Body* by *amputation*, or *violent Remedies*. It is apparent that *this Nation* doth want *Men* to carry on our *Trades* at home, and *Merchandizing* abroad: And if we conſider how requiſite it is unto the *common ſecurity* that the *Naval ſtrength* be always *great*, and that the *Fiſhing* be reſumed, nothing can be more clear, then that we ought by all poſſible means continue amongſt us the People *which we already have*, and invite in hither alſo what *Numbers* we can of *Foreiners*. We do not live in the *new Atlantis*, nor have we for our *Neighbours* the Natives of *China*, who deſire not to enlarge *their Dominions*; nor any ſuch *Potentates* as have made a *decree* not to encreaſe *their Territories*: Our Shores are waſhed with the *Britiſh Seas*; the *United Provinces*, and *France* are our immediate *Neighbours*. Ever ſince the days of *John Olden Barnevelt* unto the Reign of *John de Wit*, the *Hollanders* have been conſtantly undermining our *Reputation*, and our *Trade*; and our *long ſufferance* had ſo far imboldened *them*, as that at length *they doubted not* by *open force*, and *Clandeſtine machinations*, to effect *our ruine*, or reduce us under *their protection*. Had we been at the ſame time attacqued by *their Fleets*, and imbroiled by *domeſtick Commotions*, what would have been the condition of *our State*, and *Church*? If there be no *Trading*, how little will the difference be betwixt the *alienation of Church-lands*, and the receiving *no Rents from them*? In fine, let the *Clergy* conſider how *they* are better provided for by *his Majeſties Declaration*, then *they* would have been by the *Penſionary* of *Holland*, and any *Placart* of the *States General*, and they will ſee *juſt cauſe* to acquieſce in, and magnify that *Prudence* which hath preſerved the *Nation*; that *Prudence* whereby our *domeſtick Peace* is enſured, our *Trade* and *Strength* pnt into a *poſſibility* to be advanced; and whereby His Majeſty hath obliged the *Non-Conformiſts* unto *His Service*, whom the *Dutch* preſumed upon as *their Friends*, and had rendered as it were their *Penſioners* by their *joynt Trade*, and the *ſums* of money which had been remitted to *Amſterdam*:

dam: Whereupon they ſeemed to be the moſt *fitting Inſtruments*, and were treated with in order to the involving their *native Country* in another *civil War*. It is certain *John de Wit* omitted not any *artifice*, or *ſuggeſtion* that might conduce unto *theſe ends*: That *Faction* did not propoſe to themſelves a *generous War*, the iſſue whereof might be an *honourable* and *laſting Peace*; but ſuch a one as ſhould end in the deſolation of *theſe Realms*, and *final ſubjection* under *them*: Leſs would not *ſecure* unto the *Dutch* the *univerſal Trade*, and the paſſage through our *Chanel* for their *Eaſt-India* ſhips, whoſe Voyage by *Scotland* they complain of as *tedious*, *expenſive*, and *dangerous*. Nor would the *malice* of the *de Wits* ſatisfie it ſelf with any more moderate terms then the ruine of *His Majeſty*, of His *Royal Highneſs*, and the *Court*, and a *total alteration* in the *Government*. The *Penſioner*, the better to inveigle the *Engliſh*, pretended that *they* had no quarrel with the *Proteſtants* of this Nation; they beheld them as *dear Brethren*, and begged *they* would either divert *His Majeſty* from this War, or pray to God to *confound His Counſils*: that the *Adviſers* of *this War* were the *common Enemies* of *both Nations*; and from the inſinuations of *John de Wit* came that *vulgar Jealouſie* of the deſigns on Foot, *to introduce amongſt us a change of Religion, and an Arbitrary Government, by this War with Holland*. But thoſe *they* treated with did not prove ſuch *abſolute Phanaticks* as the *great Miniſter* of the *States of Holland* did imagine *they* would: *Experience* had ſhewed *them* how *difficult* a thing it was to overthrow an *hereditary Monarchy*, and how *impoſſible* it was for a Nation *inured to Monarchy*, *divided in intereſts*, *diſcriminated by degrees of honour*, *debauched in its manners*, *irreconcileable in its factions*, to retain its liberty, though *Fortune* upon any *accident*, or *attempt*, ſhould diſſolve its *preſent Monarchy*: They did conſider the *general treachery* of *Men*, and the particular *Impoſtures* which their *own Partiſans* had deluded *them* by heretofore; nor could *they*, upon the moſt *diligent enquiries*, propoſe to *themſelves* any Perſon in *whoſe hands* they could wiſh the *Conduct of affairs* entruſted, rather then in thoſe of *His Majeſty*; of whoſe *Prudence*, *Generoſity*,

Generoſity, and *Clemency* they had ſeen ſo *great* and *unexpect-ed* Trials. They knew that the *Dutch* hated the *Phanaticks* by reaſon of the *dammages* they had received by them in the War, 1652. 1653. And that *they* would never endure *England* to be modelled into a *Republick*, eſpecially under the leading of the *Phanatick Party*: Nor could they believe the deſign *feaſible* upon *this account* (though the *beginnings* ſhou'd happen proſperous) that a'l *new Governments* are *weak*; and there being *two ſuch potent Neighbours* adjoyning unto *England*, it ſeemed unimaginable that *they* ſhould be *Paſſive* in the buſineſs, and neither of them endeavour to poſſeſs themſelves of *all*, or *ſome of theſe Realms*, and draw to themſelves ſo *great* and *facile advantages*, as ſuch a *revolution* would invite them unto. Upon *ſuch conſiderations*, beſides that regard to the *honour of old England*, which nothing can obliterate in any *Engliſh Soul*, thoſe *generous Phanaticks* (who were moſt of them removed out of the Dominions of *His Majeſty*) did abominate the *enterprize*, diſcovered the *Plots* of the *Loveſteine faction*, and prepoſſeſſed *their Friends* againſt the artifices of the *Dutch*, and fixed *them* unto the ſervice of *His Majeſty*, and of *their native Country*. This deportment of that *ſuppoſed Faction*, created in the breaſt of *his Majeſty* better ſentiments concerning *their Perſons* then ſome of *Saturnine Conſtitutions*, and *petulant Wits*, could approve of.

It did then appear unto the *Soveraign* judgment of our moſt diſcerning *Prince*, that there was not in *thoſe Men* ſuch an *inveterate Animoſity* againſt *Monarchy*, ſuch an *hatred* towards *his Reign*, ſuch a *reſt-leſs Spirit*, as ſome *raſh* and *impolitick* Men had inculcated every where: It was manifeſt *then* that thoſe heats which *Youth*, *unexperiencedneſs*, *intemperate* and *inconſiderate Zeal*, *Ambition*, or *Covetouſneſs*, had bred in thoſe men, were by *Age*, a better diſcovery of the vanity of *precipitous Counſils*, and the *falſe-hood* of pretenders to the *publick good*, *Liberty*, and *Religion*, ſo abated and *allayed*, that *He* might preſume confidently to employ *them* in *His Service*, whom neither the *rigour* of *penal Laws*, nor the *inſolent deportment* of *their Enemies*, in their *diſcourſes*

and

and *writings* (contrary to *ordinary diſcretion*, the Laws of *Chriſtian Charity*, and the Act of *utter Oblivion*) could force into a *confederacy* with the *Dutch*. If their *malice* againſt the *Church*, if their *covetouſneſs* to regain the *Eccleſiaſtical* and *Crown-Lands*, had been ſuch as it was *boldly* repreſented, certainly in *this juncture*, and with the *ready aſſiſtance* of *John de Wit*, thoſe ſo *turbulent* Perſons (irritated by ſo *many* and ſo *bitter Contumelies*) would have embraced deſignes conſonant thereunto. *His Majeſty* being very well ſatisfied with the *ſervices* which ſome of that Party had done *Him*, and which *many others* were ready to do; and being deſirous to engage *them* univerſally unto the defenſe of *His Crown* and *Dignity* (when the *implacable* and *reſtleſs malice* of *His Enemies* did neceſſitate *Him* to employ all *His care*, and all *poſſible Proviſion* againſt their *ſecret* and *deſperate complotments*) He iſſued out that *Declaration March* the 15*th*. 1671. *to all His loving Subjects*, wherein *He* exempted *all ſorts of Non-conformiſts* from the execution of the *penal Laws* againſt *them*; but with ſuch a *Declaracion* of His *reverence* for the *Church of England*, ſuch a regulation of the *Non-conformiſts*, that whilſt *His Majeſty* expreſſeth himſelf to be the *common Father of His People*, at the ſame time *He* demonſtrateth himſelf likewiſe a *zealous* and perfect *Son of the Church*. He revives the *Primitive Policy* of *Conſtantine*, and acteth like a *Biſhop over thoſe that are without*, whileſt he defends and owns the *Orthodox Biſhops over thoſe that are within*.

Euſeb. *de vita Conſtant. l. c.* 24. Petrus de Marca *de Concord. Sacer. & Imp. l.* 2. *c.* 10. *ſect.* 7.

The Judgment of the Church of England *in Her Homilies, concerning the foure firſt Centuries of* Chriſtianity.

FOr *three hundred years* after our Saviour Chriſt, the *Chriſtian Religion* was moſt pure, and indeed *Golden*——*Conſtantine* was a Prince of good zeal to *our* Religion. Homily 111. againſt peril of Idolatry.—— In thoſe dayes, which were

were about *four hundred years* after our Saviour, the *Church* was much leſs corrupt, and more *pure* then now. Homily 11. againſt peril of Idolatry.

In the *Act* of *Parliament* againſt *Conventicles* there is this Clauſe inſerted; *Provided, that neither this Act, nor any thing therin contained, ſhall extend to invalidate or avoid His Majeſties Supremacy in Eccleſiaſtical affairs; but that His Majeſty, and his Heirs and Succeſſors may from time to time, and at all times hereafter, exerciſe and enjoy all Powers and Authorities in Eccleſiaſtical affairs as fully and as amply as himſelf, or any of his Predeceſſours have or might have done the ſame, any thing in this Act notwithſtanding.* This *Proviſo* puts me upon a neceſſity of reſearching into the *Eccleſiaſtical Conſtitutions* of the *Royal Predeceſſours*; And I am ſure that *Conſtantine* the Great was one of *them*, who was not onely born in *England*, but began *His Reign* in *this Realm*, and did in a manner (as *Selden* Avows) transfer the *Roman Empire* unto *Britain*. The *Imperial Crown* which the Kings of *England* at preſent wear, did deſcend unto *them* as being *Succeſſors of the* ſaid *Conſtantine*. He began his Reign *Anno Dom.* 306. and continued until 337. He *was* (and *is*) eſteemed of by the *Church* as an *Apoſtle*, and ſometimes ſo ſtyled, alſo the *Apoſtle amongſt Kings*, or *one equal unto the Apoſtles*. (Euſeb. de vita Conſtantini M. l. 4 c. 60. cum notis *Hen. Valeſii*) His *Preſident*, His *Authority* is ſo much the more *illuſtrious* and *great*, by reaſon of the *Century* in which He lived; And for ſo much as that the *Chriſtian Church* deriveth it's firſt *Settlement*, and the *Hierarchy* its *luſtre*, from His auſpicious *Conduct* and *Decrees*. I ſhall therefore particularly relate the *Tranſactions* of *His Age* in order to the compoſing of *Sects* more *violent*, more *diſſonant*, more *lewd*, and not leſs *obſtinate*, or *numerous* then thoſe which diſtract *theſe Kingdomes*. And becauſe thoſe *Emperours* which did ſucceed

Conſtantius *e Britannia, & in Britannia natus, Imperator Britannia ſalutatus, Romanum, Imperium Britanniam quaſi tranſtuliſſe videtur.* Selden *Analect.* Anglo-Britan. *l.* 1. *c.* 5. *Quanquam poſtea haud perdiu in domo* Conſtantini *Imperium manſit, ita cito humanæ opes cadunt; tamen Deus ipſius Imperii cadere non potuit, cum etiam nunc* Reges Angliæ, *more majorum*, Diademate Imperiali *ucantur, ut munere ab Imp.* Conſtantino *in* ſuos poſteros *collato.* Id. ibid. ex Polydor Virgil. hiſt. l. 3.

ceed Him *immediately*, lived in *those dayes* whereon our *Church* bestowes the *aforesaid Elogy*, and since *they* contributed as much by *their proceedings* unto the *Peace* and *Tranquillity* of the *Orthodox Christianity*, as *Constantine* did; as also their *memory* is not less *reverenced* by the *Universal Church*; I shall add an account of *their deportment*.

The Declaration of *Constantine* the great, concerning a *general Indulgence*.

Euseb. *de vita* Constantini *l.* 2. *c.* 56.

I *Do desire, O God, that all* thy People *should live in Peace and free from dissensions, out of a regard unto the common good of Mankinde*: *Notwithstanding, let those that are deluded enjoy the benefits of peace and quiet equally* with those that believe. For this Regulation *of Men under a* mutual Amity *is an effectual course for the reclaiming of them unto the right way.* Let no man molest another. Let every man follow his own judgement: *Only let well-meaning Persons believe, that they alone live holily and purely, who are regulated by the holy Lawes; and they who with-draw from their assemblies,* Let them pursue their false Deities, since they will have it so. *We are possessed of the truth, which thou hast revealed unto Us: and we wish them in the same condition; that they might participate in the satisfaction which would arise from the general Unanimity of the Empire.*

Id. ibid. c. 59. *Thanks be rendred unto thee, most great God, and Ruler of all things; for* the more that humane nature discovers it self in a diversity of judgements and interests, the more will the true Religion be confirmed in the minds of its Followers. *But whosoever will not be cured of his Errors, let him blame none but Himself: For the way to recover him is publick and obvious unto him: But let every one have a care left they injure that Religion, which doth manifest it self to be blameless and unspotted; wherefore let us all make use of the benefits tendered unto us, keeping our Consciences free from what is contrary thereunto.*

Id. ibid. c. 60. *But* let no man prejudice another for being of another perswasion: *But whosoever understands any thing, let him, if possible, communicate it to his Neighbour: If it be not possible to prevail, then* let him alone. *For,* it is one thing for a man voluntarily

voluntarily to purſue the race for immortality, and another to compel him by penalties thereunto. *I have inſiſted herein more largely then ſeemed to my purpoſe, becauſe I would not conceal or diſſemble the truth; eſpecially ſeeing that ſome, as I hear, do give out Reports*, as if I had interdicted all the Temples, and Kingdome of darkneſs. *I ſhould indeed have given that advice to the publick, but that ſo many are too obſtinately prepoſſeſſed and fixed in their errors, to the retarding of the general Reformation.*

In which Edict *Henricus Valeſius* obſerves that *Conſtantine* did permit unto His Subjects the liberty of embracing and continuing what Religion they pleaſed. The moſt pious Prince declares His approbation for *Chriſtianity*, and recommends *that* unto all his Subjects: He condemns *Gentiliſme*, as *falſe*, *vain* and *Idolatrous*: Yet doth not prohibit the uſual *Ceremonies* and *Sacrifices of the Temples*. This was decreed in the beginning of *His Reign*, when *He* found the ſtrength of the *Chriſtians* (including therein all the *Sects*) not to be ſufficient to ſupport the *Empire*, nor to conteſt with the numerous and potent *Painims*, whoſe aſſiſtance ſince he found neceſſary, he enacted this *Toleration* for *their Religion*, and did *himſelf* defray the expenſe of the *publick Sacrifices*, and retained the quality and habit of *Pontifex Maximus*, as his *Predeceſſors* had done. From wence it is apparent that *Julian* the *Apoſtate* was not the *firſt* that projected a *Toleration of all Religions*, thereby to deſtroy the *true Chriſtianity*; but *Conſtantine*, that *He might advance that Faith*. That *Emperour* made *ſundry Decrees* in favour of this *large Toleration*, which extended not onely unto *thoſe without*, and were never by *Baptiſme* or otherwiſe incorporated into the *Chriſtian Church*, but unto *Sectaries* and *Hereticks* expreſly: adding *this Clauſe* unto the *firſt* of them, which was made when *He* and *Licinnius* were a ſecond time *Conſuls*, viz. *That this indulgence did extend unto all ſorts of Sectaries, Jews, Samaritans, Marcioniſts, Montaniſts, Novatians, Sabellians, and univerſally to men of all Religions*. The entire Decree *is loſt*, but it is mentioned in *this enſuing*, which was made upon *this account*,

In notis ad Euſebium *de vita* Conſtantini, *l.2.c. 56.*

count, that ſome *Chriſtians*, had complained that by the *former Decree* the *true Church* ſeemed to be injured by being ranked in the *ſame predicament*, without any diſtinction of *Preheminence*, and to enjoy the ſame indulgence with the moſt abominable *Sectaries*, and execrable *Jews*.

Another Declaration of *Conſtantine* and *Licinnius* for *Liberty of Conſcience*,

Euſebius *Hiſt. Eccleſ. l.* 10. *c.* 5.

WHereas *we had long ago obſerved that* Freedom of Religion, *ought not to be denied to any man, but that every one ſhould have the liberty to purſue and manage the affairs thereof, according to his proper judgement and choice*: *We did thereupon decree that all perſons, as well* others *as* Chriſtians, *ſhould retain and adhere unto the* Rules *and* Profeſſion *of* their ſeveral Sects and Religions. *But foraſmuch as divers Perſons have been offended at that* Declaration, *by reaſon that in it the* ſeveral Sects *were promiſcuouſly named* to be tolerated, *as if it were indifferent unto us, which of them our Subjects embraced, to the great detriment of* true Chriſtianity: *After that we*, Conſtantine *and* Licinnius *Emperours* [*after the overthrow of* Maxentius, *and the compoſure of all things at* Rome] *were happily arrived at* Millain, *we did conſult diligently about all ſuch matters, as might conduce to the publick welfare* : *and amongſt many things which ſeemed of* general import, *we concluded that there was nothing of greater concernment unto the Empire, then the eſtabliſhing of the* worſhip *and* ſervice of God : *that is, that we ſhould give unto the* Chriſtians *in general*; *and* all others, *the Freedome of their* peculiar Religions *and* Sects, *accordingly as their* inclination *and* judgement *leads them*; *to the end that whatever there is of a* Deity *or Cœleſtial being, it may be propitious unto us, and our Subjects. Wherefore we upon ſound and right Reaſons, do enact that none be hindred from the embracing of* Chriſtianity; *but that every man be permitted to follow that Religion which he thinks moſt fitting for himſelf* : *ſo God may be induced to continue his uſual mercies unto Us. It ſeemed the more neceſſary that we ſhould iſſue out this* Reſcript *or* Declaration.

This part of the Declaration *is obſcure in the* Greek, *by reaſon that the* Decree *whereto it relates is loſt* : *but I followed* that ſenſe *which the learned* Henricus Valeſius *doth put upon it.*

claration, *to the end that leaving out the mention of the variety of* Sects *and* Hereſies, *and without any* reflection *thereupon,* (*as it happened in the* firſt Edict *concerning the* Chriſtians) *nothing may be deduced* hence, *which ſeems repugnant to our clemency: as alſo that henceforth all which purpoſe to embrace the Chriſtian Religion* in general, *may freely and reſolutely, and without any let, or moleſtation, do it. The which we thought fitting to ſignifie unto Your prudence, that you might underſtand our pleaſure concerning the Liberty to be indulged unto the* Chriſtians: *To whom as we have granted a plenary and abſolute Toleration, ſo you are to take notice that the like* indulgence *is yielded unto* all other men *in order to their* proper *and* ſeveral Religions. *It being a notorious truth, that this* general Toleration *doth highly conduce to the common tranquillity of the Empire at this time: And we are thus reſerved in our expreſſions, to the end that no* Sect *or* Religion *may think it ſelf* injured *or* depreſſed *hereby. We add further, in favour of the Chriſtians, that all their* Meeting-places *which have been confiſcated, and either ſold, or given to any elſe, or yet undiſpoſed of, ſhall be gratis reſtored unto them: And all ſuch Lands as the ſeveral* Corporations (*or Churches*) of them *did formerly poſſeſs, and have been eſcheated, theſe ſhall likewiſe be reſtored unto them. And We ordain that this conſtitution of ours ſhall be affixed and promulgated publickly, that none may be ignorant thereof. Given at* Millaine, *in the third Conſulſhip of* Conſtantine *and* Licinius *A. A. A.* 315.

Quippe in prima illa Lege quædam verba erant, quibus & Gentiles, & Chriſtianorum nonnulli, ii ſcilicet qui a Catholica fide deſciverant, Novatiani, Montaniſtæ, & reliqui non mediocriter offendebantur, cum ſe Hæreticos *in ea appellatos viderent. Sed &* Chriſtiani *ſeu* Catholici *ægre ferebant ſibi* Hereticos *adjungi, & quaſi copulari in eadem conſtitutione. Quam orbem Conſtantinus, ut erga omnes ſe benignum oſtenderet, ea verba ſuppreſſa voluit.* Hen. Valeſius *in* Euſeb. *hiſt. in Eccleſ. l.* 10. *c.* 5.

Such was the *Indulgence* which that renowned *Emperour* did enact: Whereunto *He* was induced by a regard unto the *general welfare* of the *Empire*: The *Painyms*, the *Jews*, and the *ſundry Sects of Chriſtians* were ſo *numerous*, ſo *obſtinate* in their opinions, and even their *mutual Diviſion* was ſo neceſſary to the ballancing of the *ſeveral intereſts* in his

un-

Tertullian *Apologet. c.* 24. *& in libro ad* Scapulam *c.* 2. Lactantius *de juſtitia c.* 20, 2.

unſettled Empire; that if the authority of *Tertullian*, and *Lactantius* (who was Tutor to his Son *Criſpus*) and the *vulgar Principles* of the *ancient Church*, had not warranted *His proceedings*, certainly *Reaſons of State* would. He had a further reaſon alſo for the granting *this publick Toleration*: It was the *conſtant policy* of the *Roman Empire*, to prohibit all *clandeſtine* and *nocturnal meetings*, though upon pretenſe of *Religion*, and of *Sacrificing to the Gods*. It was not lawful in *Rome* privately to conſult by *Augury*, or to adviſe with the *Haruſpices*. The which Law was revived by *Conſtantine* Anno Dom. 319.

Cod. Theodoſ. l. 9 *tit.* 16. *lege* 2. Ad populum.

We do forbid the *Augurs* and *Prieſts*, or whoſoever deals in *Sooth-ſaying*, to reſort unto any private houſe, or to come within any mans doors, though upon pretence of a Friendly viſit: The Violator of this Law being to be puniſhed ſeverely. But you that do believe ſuch practiſes available, go to the publick Altars, and Temples, and there perform the uſual Rites and Devotions. For we do not prohibit the uſage of the old Religion in the day time, and openly.

This *political* regard was one *grand motive* for the permiſſion of the *open* practiſe of *all Religions*, that ſo their *vanity*, or *impiety* might be notorious to all: Beſides hereby they prevented all *private complotments* againſt the State, all *practices* that were *beſtial*, or repugnant to *Morality*. " Nihil eſt ſcil. velandis fraudibus & ſceleribus tam idoneum, quam pri-
" vatæ amicitiæ, privatiq; congreſſus;
" qui merito dominantibus ſuſpecti. *Nam*
" *ab nullo genere non æque ſummum periculum eſt, ſi cœtus, & concilia, & ſecretas*
" *conſultationes eſſe ſinas*, quod *Cato* a-
" pud Livium lib. 34 dicebat. Sic & o-
" lim jam proſpectum, *Nequa ſacra fierent in operto*. Livius lib. 39. Sic Tibe-
" rius, ut Suetonius memorat cap. 63. *Haruſpices* Secreto *& ſine teſtibus conſuli*
" *vetuit*.

Jacob Gothofred *in Cod.* Theodoſ. l. 9. *tit.* 16. *lege* 2.

Si qui in urbe cœtus nocturnos agitabit, capital *eſto*: *deinde lege Gabinia promulgatum*, Qui coitiones ullas clandeſtinas in urbe conflaviſſet, more majorum capitali ſupplicio afficeretur. *Jac. Gothofr. in com. ad. leg.* 12. *Tabular. Tab.* 9.

" Hinc

" Hinc eſt igitur iſta nunc Sacrificiorum, &c. *Nocturnorum* " prohibitio, nempe quia feeleri favere *tenebræ* videntur. Unde " illa apud Horatium improba vota ; *Ll. Cod.* Theodoſ. l. 9. tit. 16. leg. 7.

" *Noctem peccatis & fraudibus obiice nubem.*

" Notumq; illud Prudentii ;

" *Nec teſte quiſquam lumine,*

" *Peccare conſtanter poteſt.*

" Item Tacitus lib. 14. *Quod perditiſſimus quiſq; per diem* " *concupiverit, per tenebras audeat.* Eaq; ratione fingunt Poetæ, " *Noctem* generaſſe *dolos, fraudem, mendacia.*

Conſtantine having thus prohibited all *private Conventicles*, and *ſecret Meetings*, and impowred thoſe of *any Religion* or *Sect* publickly to profeſs, and hold *their Aſſemblies* for divine worſhip, and mutual inſtruction, the Empire yields us this proſpect of affairs : The *old Religion* or *Heathenſme* continued in its *former luſtre*, the *Temples*, *Revenues*, *Pontifical Offices*, and *Solemnities* (all, or moſt) remained in being, and under the *Protection* of the Emperour : as appears by a multitude of Laws in the *Theodoſian Code*. All the great offices of the Empire, in the *Senate*, and *Armies*, were equally to be communicated unto *them*, and the *Chriſtians*. The *Jews* were in a very flouriſhing condition under their *Hierarchy* of *Patriarchs*, *Primats*, *Presbyters*, and *Rulers of Synagogues* : All which were by *Conſtantine* exempted from all *perſonal* and *civil charges*, which carried much of trouble and expenſe, and were unſuitable to *their Function*. As to the *Chriſtians*, it is moſt certain that *all Sects* had their *liberty of Profeſſion*, and their particular *Church-Governments*, under their *Biſhops*, &c. So that in 325. when *Conſtantine* did ſummon a *general Council* at *Nice* againſt *Arius*, the Writers of the *Eaſtern Church* do avow, that there convened 2048 Biſhops, of ſeveral Sects, who having tendered their *Confeſſions* apart unto the Emperour, he fixed upon that of the 318. (perhaps not all *Biſhops*) and thoſe compoſed that *Council*, and enacted its decrees ; whereunto the *Primitive Emperours* and *Fathers* ſo often refer themſelves.

Jac. Gothofr. *de interdicta Chriſtianorum cum Gentilibus communione.* *Idem in Cod. Theodoſ. l. 16. lit. 1. lege 1.* *Cod.* Theodoſ. *l. 16. tit. 8. lege 2 cum notis* Jac. Gothofredi.

Selden *in notis ad* Eutychium Abrah. *Ecchelenſ. de Eccleſ. Alexandr. orig. c.* 13. Gul. Bereregius *in proœmio Auctor. in can. Concil. Nicen. 1.*

As

As to thoſe that were *Schiſmaticks* and *Hereticks* of *ſeparate Churches* amongſt the *Chriſtians* of thoſe times, the Emperour *Conſtantine* did thus demean himſelf.

Cod. Theodoſ. *l.* 16. *tit.* 2. *lege* 1. 11. 7. *cum notis* Jac. Gothofredi.

Whereas the *Laws of the Empire* during his *Predeceſſours* had not exempted the *Chriſtian Clergy* from the *trouble* and *expenſe* of *civil Offices*, *Conſtantine* did free the *Catholick Clergy* from *that burthen*, leaving the *Hereticks* ſubject thereunto: many of which *Offices* were ſuch as any *Chriſtian* could hardly comply with; as the *attendance upon* and defraying of the *luſtral Sacrifices*, the *Watch* and *Ward* for the *Security of the Pagan Temples*. The diſcharge of *ſuch employments* did contribute very much to the overthrow of the *Schiſmaticks* and *Hereticks*, who had not the *opportunity* thereby either to *qualifie themſelves*, or to *mind their Churches*, or to *avoid many evident Scandals*, which the *Catholicks* enjoyed.

Ibid. lege 4. *cum notis* Jac. Gothofredi.

Whereas the *Chriſtian Churches* under His Predeceſſours were incapable of any *Legacies* or *publick endowments* by the *Imperial Laws*: He continued the ſaid *Hereticks* under *thoſe Laws*, and made the *Catholick Churches* exempt from them.

Cod. Theodoſ. *lib.* 11. *tit.* 1. *lege* 1. *cum notis* Gothofredi.

The Lands which were given either by the *Emperour*, His Mother *Helena*, or the *Charity* of others unto the *Catholick Churches*, were exempted by *Him* (whileſt the *Church* was *poor*; for when it ſeemed *rich enough*, neither was *this priviledge* valid, nor could *it* receive Legacies from *Widowes*, &c.) from *Taxes* and *Tributes*.

Jac. Gothofredus *in paratitlo Cod.* Theodoſ. *lib.* 16. *tit.* 2. *Id ibid. in paratitlo Tit.* 5.

As it was *His care* that the *Catholick Biſhops* ſhould be men of *ſound doctrine* and *exemplary life* and *charity*; ſo did *He* likewiſe provide that *they* ſhould be univerſally reverenced by *His Officers* throughout the *Empire*. Their *Biſhops*, their *Presbyters*, their *Churches* were mentioned with *peculiar Elogies* and *veneration* in all *imperial Decrees*: whereas the *Hereticks* were either *ſimply* named, or with an *addition* of *deteſtation* and *infamy*. And after that the *Nicene Council* had reduced the *Church* into ſome form, under a *ſpecial regulation*, and *diſtinct Creed* (in oppoſition to the *Arians*) then did *Conſtantine* by this *general Law* exclude all *Sectaries* and *Hereticks* from participating of *thoſe priviledges* which were granted

granted unto the *Catholicks*, and the followers of *Meletius* and *Arius* were particularly aimed at in the *Conſtitution*, who till *then*, had enjoyed the *priviledges* due to *Catholicks*.

Cod. Theodoſ. lib. 16 *tit.* 5, *lege* 1. A. D. 326.

" Thoſe Priviledges which are indulged upon the account " of *Religion*, ought to avail only ſuch as adhere unto the " *Catholick Law*: It being our will and pleaſure that the " *Hereticks* and *Schiſmaticks*, ſhall not reap any benefit " thereby, but be alſo liable unto ſeveral Duties and Offices.

Vide notas Jac. Gothofredi. *ibid.*

Notwithſtanding the *precedent Decrees*, it is but equitable that I inform the Inquiſitive Reader, that the force of *them* did not extend unto the *Sect* of the *Novatians*. Theſe were a ſort of *Schiſmaticks*, who about the Year 250. did *ſeparate* from the *Catholicks*, as having generally *Apoſtatized* and *Lapſed* unto *Paganiſm*, during the Perſecution under *Decius*. They were of the number of thoſe which had been *Martyrs*, or *Confeſſors* in thoſe Calamitous times, and would not *Communicate with*, nor be *ordained* by thoſe *Biſhops* of *Italy* who had Revolted from the *Faith*, and were Returned again, and Admitted of others that had *Lapſed* upon *eaſie terms*. They had an *Hierarchy* of *Biſhops* and *Presbyters* within *themſelves*, derived from thoſe that had not *Apoſtatized*. They were very ſevere in *their Diſcipline*, for they did exclude from *their Communion* (though not from *hopes of Mercy* with God) ſuch as did fall into *Apoſtacy*; or other *enormous Crimes*. They called themſelves *Cathari*, or *Puritans*; and their followers *ſuch as continued in the obedience of the Goſpel*. They were *ſtrict in their Converſation*, *Orthodox*, and *Zealous in their Religion*; but ſo averſe from the *mixt Congregations*, and the *relaxed Diſcipline* of the *Catholicks*, that *they Rebaptized ſuch as came unto their Churches from the Communion of the Catholicks*. Yet ſo great a reſpect had *Conſtantine*, and the *Nicene* Fathers, for *this Sect*, that a *Biſhop* of theirs, *Aceſius* had his place in that *General Council*; and a *Canon* was there made where-

Socrates *Hiſt. Eccleſ. l.* 7. *c.* 25 *Extat hodie liber* Novatiani *de cibis Judaicis, quem ille ſic inſcripſit*, Plebi in Evangelio perſiſtenti. Hen. Valeſius *in notis ad* Euſeb. *Hiſt. Eccleſ. l.* 6. *c.* 43. *Id. in notis ad lib.* 7. *c.* 8. Socrates, *Hiſt. Eccleſ. l.* 1. *c.* 7. Sozomen *l.* 1. *c.* 22. G. Beveregius *in Concilii* Niceni *primi Canon.* 8.

by ſuch as came over *from them* unto the *Catholicks*, ſhould immediately be admitted to *Communion*, according to the Ranck they held during their *Novatianiſm*, as *Laymen Presbyters*, or *Biſhops*: And *Conſtantine*, in the year following that *Council*, made *this Decree* in favour of *them*.

Cod. Theodoſ. lib. 16. *tit.* 5. *lege* 2.

We have not found that the *Novatians* have been ſo abſolutely condemned heretofore, as that we ſhould not grant unto them their Requeſts: We do therefore Enact, that they ſhall without Let or Moleſtation, poſſeſs the *Meeting-Houſes* appertaining unto *their Church*, and their *Burying-places*: That is, ſuch as they have either Bought, or otherwiſe acquired to themſelves, ſince *their Separation*. But care ought to be taken that they do not *Uſurp* any of thoſe which before *their Schiſm*, did appertain unto the Churches retaining a *perpetual Sanctity*. Given at *Spoletum* on the Calends of *October*, *Conſtantine* A. 7. and *Conſtantius* Coſſ. [326.]

Jac. Gothofredus *in notis ad legem citatam.*

The Sect of the *Novatians* began abont Eighty years before *this Law*, and upon their *Separation*, they did Build to themſelves ſundry *Churches*, *Oratories*, and *Cæmiteries*, or *Burying-places*. By reaſon of the *Law* againſt *Hereticks* and *Schiſmaticks* (already recited) ſome began to diſquiet the *Novatians* in the Poſſeſſion of *thoſe Places for Publick Worſhip*, which they had Purchaſed by *ready Money*, or other *Legal Titles*; as if *they* were declared *Hereticks*, and known *Schiſmaticks*. It is true that *Euſebius* doth produce a Law of *Conſtantine*, wherein the *Novatians* are mentioned *firſt*, before *Valentinians*, *Marcioniſts*, and *Paulians*, and the *Aſſemblies* of *them*, and of all others that Separate from the Church, are Prohibited. The ſame is Recorded by *Sozomen*: And it is apparent that *they* had been condemned by *Cornelius*, Biſhop of *Rome* long before, and others. The *Nicene Council* ſeemed to have determined *them* to be *Schiſmaticks*; and the Emperour himſelf in *that Council*, did teſtifie unto *Aceſius* (when *He* there defended *his Separation*) how much he *diſliked them*. But yet *Conſtantine* could not find that theſe *Novatians* were ſo rigorouſly to be *cenſured*, or *condemned*, as that *they* ſhould be deprived of

Euſeb. *de vita* Conſtantin. *l.* 3. *c.* 64, 65.

Sozomen *Hiſt. Eccleſ. l.* 2. *c.* 30.

Socrates *Hiſt. Eccleſ. l.* 1. *c.* 7.

their

their *publick Churches*, and *Cæmiteries*. And with this doth *Sozomen* agree, who having compared the uſage which the *Hereticks* met with under *Conſtantine*, he expreſſly ſays, That *their condition was not ſo bad as that of the other Hereticks, and that the Law of* Conſtantine *was not executed againſt them.* Their *Rulers* being men otherwiſe of *peaceable Spirits*, and *unblameable Lives*, and being *Orthodox* as to the *Chriſtian Faith*; they received no great prejudice by that *Imperial Conſtitution*: Eſpecially ſince it was not the intention of *Conſtantine* rigorouſly to put in Execution that *Penal Law*, but only to ſhew his regard for the *Catholicks*, and his averſion from *Hereſie* and *Schiſm*; as alſo to terrifie the *Fanatical*, *Factious*, and *Turbulent*, whilſt he willingly *ſuſpended all ſevere proceedings* againſt the *Conſciencious* and *Moderate*; ſuch as *Aceſius* and *his followers* were.

Sozomen, *Hiſt. Eccleſ. l. 2. c. 32.* Novatiani *vero, utpote qui bonos auctores nacti eſſent, itidemq; cum Eccleſia Catholica ſentirent de Divinitate, jam inde ab initio permulti fuerunt, atque ita deinceps permanſerunt, nihil fere detrimenti ex hac lege paſſi. Nam & Imperator ipſe ſua ſponte rigorem legis imminuebat, quippe qui perterrefacere potius quam perdere ſubditos in animo haberet. Et Aceſius qui tunc temporis eorum Sectæ Epiſcopus erat Conſtantinopoli, cum ob vitæ ſanctitatem Imperatori eſſet gratiſſimus Eccleſiæ ſuæ, ut veriſimile eſt, plurimum adjumenti contulit.*

In theſe proceedings of *Conſtantine* the Great, we may obſerve ſundry things which carry a *parallel* to the *Intentions*, and *Procedure* of his Majeſty. 1. The *General Declaration for Liberty of Conſcience.* 2. The *Prohibition* of *Private* and *Clandeſtine Conventicles.* 3, The Reſervation of all *publick Revenues* and *Endowments* untothe *Catholicks.* 4 The declaration of *hisſpecial favour* unto, and deſigns of the *promoting* of the *Orthodox Catholicks.* 5. Upon the *known wickedneſs* of certain Sects, as the *Valentinians*, *Cataphryges*, &c- (which couldnot have been *evident*, but by giving them an *open Toleration* at firſt) His *Penal Laws* againſt *Schiſmaticks* and *Hereticks* indefinitely; he reckoning the moſt *Orthodox* of *Schiſmaticks*, with the moſt *Vile* and *Profligate Hereticks.* 6. His *Relaxation* and *Suſpenſion* of *all thoſe Penal Laws* as to the *Novatians*; yet withall, declaring that their *Separation* was a *Diſcidium*, or *Schiſm*: That the *Catholicks* or *Orthodox*

I call them *Catholicks*, it being a *Law-term* in thoſe days, and ſignifying no more then ſuch as adhered to the *Nicene Creed*, and were not *Separatiſts* from the *National Church of Chriſtendom.*

Churches were *Eccleſiæ perpetuæ Sanctitatis*. 7. That *they* ſhould not attempt *any way* to poſſeſs themſelves of the *Pulpits*, or *Churches* of the *Catholicks*.

This was the poſture of *Religion* in the time of *Conſtantine* the great; in whoſe *Reign* we have nothing further to conſider beſides the *great* progreſs of the *Orthodox Church*, and the decay of *Paganiſm* and *Hereſies*; unleſs it be ſome rigorous proceedings of His againſt the *Donatiſts*, and *Arians*.

Hen. Valeſius *de Schiſmate Donatiſtarum. c.* 1. *Ibid. c.* 2.

The Sect of the *Donatiſts* began about the year 311. The People of *Carthage* had elected into their *Biſhoprick*, which was vacant, *Cæcilianus*, who was ordained by one *Felix*: The Primate of *Numidia* called *Secundus* was greivouſly offended that *Cæcilianus* had been conſecrated by any but *himſelf*, and joyned with many other Biſhops to depoſe *Him*, for that *He* had been ordained by ſome who had *delivered up their Bibles* in the *Diocletian-perſecution*; and that *He* being a *Deacon* had prohibited Victuals to be brought unto the *Confeſſours* in Priſon. *Seventy Biſhops* agreed upon *His condemnation*, elected and ordained *Majorinus* Biſhop of *Carthage*, and renounced all *Communion* with *Cæcilianus*, who refuſed to appear and vindicate himſelf before *them*. Hereupon aroſe a *great Schiſm* in *Africk*, and the People of *Carthage* divided againſt their Biſhop *Cæcilianus*: The Proconſul *Anulinus* informed *Conſtantine* thereof, who remitted the Examination and Deciſion of the matter unto a *Council* at *Rome*: There *Cæcilianus* was acquitted, and communicated with the *Roman Clergy*: The *Donatiſts* will not be concluded by *this Arreſt*; the *Emperour* refers the tryal unto the *Gallicane* Biſhops at *Arles*: Theſe likewiſe acquit *Cæcilianus*, and receive him into *their Communion*. The *Donatiſts* would not thus be ſatisfied; whereupon the Emperour, being angry, commands both Parties before *Him* at *Rome*. The *Donatiſts* did appear; but *Cæcilianus* failed: Whereupon the *Donatiſts* deſired that *he* might be ſentenced as *guilty*: But the *Emperour* did refuſe to comply with them therein, commanding both Parties to appear at *Millain*. The *Donatiſts* hereupon concluded that the *Emperour* was partial in *the Caſe*, and ſome of them withdrew from Court into *Africk*, the

reſt

reſt were ſeiſed upon by the appointment of *Conſtantine*, and reſerved as Priſoners until the *Audience* at *Millaine*. Upon a mature hearing of both ſides *Conſtantine* pronounced *Cæcilianus* to be *innocent*, and the *Donatiſts* to have calumniated *Him*. Thoſe *Schiſmaticks* were very angry at this judgment of the *Emperour*, and railed upon *Him* as corrupted by the inſinuations of *Hoſius*, a Biſhop much reverenced by the *Emperour*, and a Friend unto *Cæcilianus*. Thoſe which had fled before unto *Africk*, defamed the *Emperour* and thoſe about *Him*, and ſuch tumults were raiſed in *thoſe Parts*, as that the *civil Peace* was endangered, and *Dimitius Celſus* together with the other *Imperial Officers* found it difficult to allay *thoſe Seditions*. The *Orthodox Clergy* being perpetually *affronted*, *injured*, and oppreſſed by the *numerous* and *prevailing Donatiſts*, fled unto the *Emperour* for protection: who writ unto all the *Catholick Biſhops* and *People* this Letter.

Ib. Ibid. c. 17.

Ib. Ibid. c. 14. *ex appendice* Optati.

Conſtantine Aug. *unto all the Biſhops and People appertaining unto the Catholick Church in* Africk.

"YOu underſtand very well that I have done all things "that *our Faith requires*, our wiſdom could, and our "purity enabled us to do by way of moderation and amicable "means, that, according to the Precepts of our Law, the "*holy Peace* and *Brotherly love* (ſuch as God by his grace in- "ſtils into the Breaſts of his Servants) might be reſtored. "But becauſe the wickedneſs and obſtinacy of ſome Perſons "hath fruſtrated our intentions, they not enduring to be "convinced of thoſe Errors wherein they delight: We "muſt patiently expect until the mercy of God do allay this "miſchief, which by the means of a few perſons doth diffuſe "it ſelf amongſt the populace. It is from thence that we "muſt hope for a redreſs, whence all good deſires and acti- "ons do proceed. But until that great Phyſician be pleaſed "to heal our breaches, we ought to form our minds unto "patience, and with compoſed Spirits ſuffer all the efforts of "their inſolence. Do not retaliate any injuries: It were folly "to anticipate that revenge, which we ought to leave unto "God: eſpecially our Faith inſtructs us, that whatſoever "the

"the rage of the *Donatiſts* ſhall Act againſt you, will pro-
"cure unto you in Heaven the Crown due to Martyrs.
"What is it to *overcome* on Earth *in the name of God*, then
"that the peaceable Believers ſhould undergo the outrages
"of the wicked? If your ſincerity can thus diſpoſe it ſelf,
"you will ſoon ſee by the grace of God that the Ringleaders
"of this contention will looſe their credit, and the People
"will ſee their Errors, that they ought not at the inſtigation of
"a few to hazard that ſalvation, which early repentance
"may enſure unto them. Farewel dear Brethren.

Id. ibid. c. 15. This Letter is ſuppoſed to have been written *Anno Dom.* 317 or 318. But this *Lenity* of *Conſtantine's* produced no other effect then that the *Donatiſts* grew more inſolent againſt the Followers of *Cæcilianus*. In the City of *Conſtantina* (formerly called *Cirta*) the *Donatiſts* being animated by *Silvanus* their *Biſhop*, did by violence poſſeſs themſelves of the principal *Church*, ejecting the *Catholicks* thence: This *Church* had been built at the charge of the *Emperour*, yet would *they* not reſtore it upon ſeveral *imperial Mandates*: They proceeded further, to put in execution the *penal Laws* againſt *Hereticks*, and *Schiſmaticks* upon the *Catholicks*, making their *Clergy* to ſerve in ſundry *civil* and *undecent* employments. Hereupon the *Catholicks* did *modeſtly* complain, and deſired they might not be brought under the *penal Laws*; and that *Conſtantine* would be pleaſed to grant unto *them* another *Plot of Ground*, whereon they might build a *Church*. Their Requeſts were yielded unto, and the *Church* built at the *publick charge*. Not long after this there happened a quarrel betwixt *Nundinarius* a *Deacon*, and the *Silvanus* aforeſaid; the former accuſed the latter to have been himſelf
Id. ibid. c. 16. a *Traditor*; and convicted *Him* before *Zenophilus* Conſular of *Numidia*, who thereupon did inform the Emperour that this fierce *Donatiſt*, who had made ſo great a combuſtion in *Africk*, and ſo diſturbed the *civil* and *Eccleſiaſtical* Peace, had been himſelf a *Traditor* and by *indirect means* attained unto the *Biſhoprick*: Whereupon the *Emperour* baniſhed *Him*, and ſome other of the *Donatiſts Biſhops*, who were proved

to

to have ordained *Majorinus*, and rejected *Cæcilianus* not out of any juſt cauſe, but out of *malice*, and by the inſtigation and corruption of a rich Woman named *Lucilla*. The *Donatiſts* hereupon petition to the *Emperour* that *their Biſhops* may be recalled *from exile*, and declare that they will undergo all *torments* and *penalties* rather then *communicate* with that Knave *Cæcilianus*. Although it was impudently done of the *Donatiſts* to term *Him* a *Knave* whom the *Emperour* himſelf had acquitted; yet was their deſire aſſented unto; their *Biſhops* were *recalled*, and a *plenary toleration* granted unto *them*; their *Madneſs*, or *Schiſmaticalneſs* being left unto the *immediate puniſhment* of God, *Anno Dom.* 321. Some *two* or *three* years after this, when *Conſtantine* was involved in a War with the *Goths*, and *Licinnius*, the *Donatiſts* raiſed greivous *tumults* throughout *Numidia*, to the great hazard of the Province in *that juncture*. After which, if we find *Conſtantine* to have proceeded rigorouſly againſt *them*, confiſcating their *Churches*, and giving *them* unto the *Catholicks*; or puniſhing *them* ſundry ways: It will never appear that this was done purely upon the account of *Schiſme*, but by reaſon of *Outrages*, *Murthers* and *horrid tumults* committed and raiſed by that *obſtinate* and *furious Sect*. I have ſhewed *how long*, and *what manner* they were tolerated: By the *endowments of their Churches*, it appears that they were equally indulged with the *Novatians*. Both theſe *Sects* were *Orthodox in Doctrine*: Their default was *Schiſme*: The *Novatians* were the more *antient* and *exemplary Offenders*: and ſince *they* were *priviledged*, who can imagine that the *others* were depreſſed for *Separation* only?

Il. ibid. c. 17.

Il. ibid. c. 18.

It may perhaps ſeem ſtrange unto the *leſs intelligent Reader*, that ſuch *tumults* ſhould happen amongſt the *People*, in behalf of their *Biſhops*, whither *Donatiſts*, or *Arians*, &c. But the wonder will ceaſe when *he* ſhall be informed that in the *Primitive Ages* none could be choſen to be *Biſhop* in any *Dioceſs* but where *He* had formerly lived: The *People* being aſſembled together did *nominate* and *elect* them: and it was in *their power* to choſe the *worthy*, and reject the *unworthy*.

Athanaſius in Apolog. 2. ad Imper. Conſtantium. Cyprian. ep. 68. ad clerum & plebes in Hiſpan.

The

The *nomination* of the several *Competitors* was not so limited to the *People*, as that the *Clergy* (except as in the case of the reconciled *Meletians*. *Socrat.* Hist. *Eccles.* l. 1. c. 9. *Sozomen* l. 1. c. 24) might not *propose* any; but their Business was to Examine if the *Election* were *Regular*, to *consent* unto the choice made, and to *consecrate* the Person chosen: Even the Emperour *Constantine* did not assume the *Nomination* of a Bishop of *Antioch* unto the People, but only recommended some to *them*, that they might be *Nominated* by them. But the *final approbation* of the *Bishop Elect* and *Consecrated*, was in the *Emperour*, as to the *Orthodox* and *endowed Clergy*. Thus *Athanasius* having certified the *said Emperour*, that he was *canonically Nominated*, and *chosen* by the *People* of *Alexandria*, he did immediately *confirm* unto *him* the possession of the *Episcopal See*. The *Bishop* being thus Invested in the *Bishoprick*, was esteemed no less bound unto *his Chair* and *Dioceſs*, than the *Husband* unto *his Wedded* Wife: He could not exchange *his See* for another, though *Canonically* Elected by the voluntary Suffrage of the People of a *more Rich* and *Illustrious Bishoprick*: As was judged in the case of *Eusebius*, Bishop of *Cæsaria*; and is averred by *Athanasius*, and others of the *Fathers*. The *Bishop* being thus to be *Elected*, must needs carry himself with great *Insinuation*, and a *specious* shew of *popular Zeal* and *Piety*, that *he* might gain *their Suffrages*, and being once *Enthroned*, he had *another way* besides those *Appearances* to preserve his Interest amongst *them*: For he had more or less of *Annual Revenue* and *Incomes* to dispose of in a way of *Hospitality*, and he had the *charity* of the *Church* to distribute amongst the *poor Widows* and *Orphans*, and *Distressed persons*, besides the *Presbyters*, *Deacons*, *Sub-Deacons*, *Acolythi*, *Exorcists*, *Readers*, *Door-keepers*: All which Persons did sometimes in an *ordinary Bishoprick*, amount to the number of *three Thousand*. The which Circumstances being considered, it is not to be wondered

Petrus de Marca *de concord. Sacerdot. et Imperii l.* 6. *c.* 2. Athanas. *in Epist. ad Orthodoxos.* Socrates *Hist. Eccles. l.* 1. *c.* 5. *cum notis* Vales. Euseb. *de vita* Constant. *l.* 3. *c.* 62.

Τὸν δ' [Κωνσταντῖν ν] τεμίσαντα κοινῆς βαλὴς εἶ τὸ γεγμμα. σπ φαί ποι τιὼ κατικὴν το θεο ν. Philorstogius *Hist. Eccles. l.* 2. *c.* 11. Euseb. *de vita* Constantin. *l.* 3. *c.* 60. 62. G. Beveregius *in notis ad Concil Nicen.* 1. *Canon.* 15. Athanasius *in Apolog.* 2. *ad Imperat.* Constantium. Socrates *Hist. Eccles. l.* 5. *c.* 7. Sozomen *l.* 6. *c.* 7.

Eusebius *Hist. Eccles. l.* 6. *c.* 53. *cum notis* Hen. Valesii.

wondered at, if we read of ſo *frequent Tumults* when a Biſhop *then* was declared, or in danger to be declared an *Heretick*, or *Schiſmatick*, or to be *Baniſhed*.

It will not then ſeem ſtrange if upon the diſſention betwixt *Alexander* the Biſhop of *Alexandria*, and *Arius* a Presbyter *of his*, after that the *Latter* was *Excommunicated*, great Tumults did follow; For though the *Power* and *Authority* did ſeem Lodged in the *Metropolitan*, yet did *Arius* ſupply that Defect, by his *Learning*, and *Subtilty*. He was befriended by many Neighbouring *Biſhops*, of great *Repute*, and *Power*; he himſelf was exceeding *Popular*, and he framed ſeveral *Drolling Songs*, and *Diſcourſes*, which were Sung in the *Streets* by the *Vulgar*, and made the common entertainment of all Feſtivals. Thoſe of the *Biſhop's* party, were Exaſperated at theſe Actions, and being Inſtigated with *Zeal*, *Indignation*, and *Intereſt*, they engaged the others in *ſeveral Quarrels*: The *Emperour* interpoſed by reconciliatory Letters, but to no purpoſe; for the *Arians* drawing no Emolument from the Charity of the *Biſhop*, and being ſubjected to the Ignominy and *Odium* of an *Excommunication*, they grew ſo outragious as to injure the *Statues* of *Conſtantine*: The *Pagans* fomented the *Diviſion*, and abetted the *Arians*, that ſo they might with more facility ruine *Conſtantine*. The *Meletian Biſhops* and *their Followers* (being *Orthodox*, yet under an *Umbrage*, and looked on as *Schiſmaticks* by their *Metropolitan*) did contribute all they could to the ſupport of *Arius*: So that *Conſtantine* was neceſſitated to call the *Nicene Council*; where the Tenets of *Arius* were condemned, and thoſe that adhered thereunto *Anathematized*: But neither was *Arius* by *Name* fulminated againſt, nor did the *Council* ſolicite for, but rather pitied *his Baniſhment*.

Athanaſius *adv.* Arianos *Orat.* 2.

Euſebius *de vita* Conſtantini *l.* 3. *c.* 4.

Hen. Valeſius *in* Sozomen *Hiſt. Eccleſ. l.* 2. *c.* 16.

After the *cenſure* paſſed upon the *Arians* in the *Nicene Council*, moſt Eccleſiaſtical *Hiſtorians* do agree, that *Conſtantine* did Baniſh *him*, and a few other *Biſhops*, his Adherents: But the *Narrative* which they make concerning *his Exile*, and his *Revocation*, is ſo *incoherent* and *defective*, that *Baronius* doubts, and *Gothofredus* knows not what to make thereof. If *he*, *Theognis*, and *Euſebius* of *Nicomedia* were Baniſhed; againſt the latter *civil crimes* (as *Treaſon*)

Baronius *Anno* 325. *num.* 78, 79, 80, 81

Jac. Gotho. *diſſert. in philoſtorg l.* 1. *c.* 9, 10.

are alledged for *the cauſe*: And whether the forementione *Tumults*, or the ſenſe of any *future Broils* in *Egypt* (which was the *Granary* of the *Empire*, and prone to Rebellions) did occaſion the *Baniſhment* of the others, I know not: Their *Exile* was not long, nor were their *Followers* rigorouſly proceeded againſt, but the Edict *ſuſpended*. And afterwards *Athanaſius*, having ſucceeded *Alexander*, is Baniſhed no otherwiſe then *they* had been before, by the power of the *Arian* Faction. *Athanaſius* was ſent back again by *Conſtantine* the Son, upon the Death of *Conſtantine* the Great, whereupon he Repoſſeſſed himſelf of the *Sea* at *Alexandria*. Upon the Diviſion of the Empire betwixt the three Sons of *Conſtantine*, the *Eaſt* fell to *Conſtantius*, who finding the perpetual *Tumults* which aroſe from *this conteſt*, tried many wayes to compoſe Affairs. The *Arians* did attribute a greater Power unto the *Emperour* in matters of *Religion*, then did the *Catholick*: And they perſwaded *him* to violate the *Canons* for Election of *Biſhops*, by *Impoſing* upon the *People* ſuch as *he* ſhould *Nominate*, cauſe to be *ordained*, and *ſent*. Whereupon *he* Ejected the *Catholick* Biſhops, and Subſtituted *Arians*; the *Orthodox* were Tormented and Puniſhed ſundry wayes, as by *Impriſonment*, *Baniſhment*, &c. and a *Toleration* given unto all but thoſe of the *Nicene* Faith. The proceedings of *this Emperour* not being very *Exemplary*, I ſhall conclude the account of *his Reign* with this Obſervation. That by reaſon of this Perſecution, *Athanaſius* and other *Catholick Biſhops*, moved Diſputes, *Whether the Emperour had any power to Judge in Eccleſiaſtical Affairs?* And, *Whether it were lawful to Perſecute any in caſes of Religion, with Impriſoning, or Baniſhment?*

Sozomen. *Hiſt. Eccleſ. l. 1. c. 21.*

Athanaſius *in Apolog. 2. ad* Conſtantium *Imperat. et in Epiſt. ad Orthodoxos.*

Athanaſ. *ad ſolitar. vitam agentes et* Synodus Alexandria *apud* Athanaſ. *in Apolog. 2. ad* Conſtantium.

Julian the *Apoſtate* ſucceeded *Conſtantius*; He laboured by all means poſſible to reſtore *Paganiſm* to its *priſtine Glory*. He granted *Liberty of Conſcience* to all the *Sects* of *Chriſtians*: But withal, *he* did equally ſubject *them* unto *civil Employments*, and took away the *publick Allowances* which had been granted unto the *Catholicks*. He recalled all the *Exiled Biſhops*, (but did not reſtore them to their *proper Seas*) and Admoniſhed *them*, and ſuch as had been Depoſed for *Scandal*, to look after *their Churches*, and provide for their *Parties* and *Intereſts*, as well as they could. Where-

Jac. Gothofred. *orat. 2.* Julianus.

Whereupon in ſundry *Cities*, there ſtarted up *two* or *three* Biſhops, an *Arian*, a *Meletian*, and a *Catholick*: In ſome places more. He permitted *them* to *Quarrel*, and *Fight*, and commit all Outrages one againſt the other; encouraging the *Sectaries* and *Pagans* againſt the *Orthodox*. This was the *Indulgence* which he gave unto them, and whereby he deſigned to overthrow Chriſtianity. Philoſtorgius *Hiſt. l. 7. ſ. 4.* Socratis *Hiſt. Eccleſ. l. 3. c. 4. ſ. 6.*

After *his Deceaſe*, ſucceeded *Jovianus*, who was an *Orthodox* Emperour; his Reign was but ſhort; he found the *Empire* divided into *Potent Factions* of the *Orthodox*, *Arians*, *Gentiles*, &c. Whereupon he declared that he would not moleſt any Perſon for his Faith, whatſoever of *Paganiſm*, *Hrreſie*, or *Schiſm*, he profeſſed: But he ſhould principally Love, Honour, and Favour thoſe which endeavoured to Reſtore the Church unto its peace. He reſtored the *Orthodox* unto their former *Immunities* and *Priviledges*, which *Conſtantine* had beſtowed on the *Catholick* Church. Theſe proceedings gained unto him this Character, That *the Empire had been brought unto a moſt happy Poſture, as to Church and State, if it had pleaſed to God to grant him a longer Life.* Themiſtius *in Orat. Conſulari ad* Jovianum. Socrates *l. 3. c. 25.* Sozomen *l. 6. c. 3.* Philoſtorgius *l. 8. c. 5.* Jac. Gothofredus *diſſert. in* Philoſtorg. *l. 8. c. 5.* Socrates *l. 3. c. 26.*

Upon the Deceaſe of *Jovianus*, there was choſen for Emperour *Valentinian*, and he Elected his Brother *Valens* for his Conſort. They were both *Chriſtians*, but *Valentinian* was Zealous for the *Nicene Faith*, and *Valens* favoured the *Arians* as much: Such teſtimonies had each of them given of his *Sincerity*, that both did proffer to Die *Martyrs*, rather that *Sacrifice to Idols* under *Julian*. The Artifices of *Julian* had broke *Chriſtianity* into ſo many *Sects*, and *Subdiviſions* of *Sects*, that in every City almoſt their might be found *Two*, *Three*, *Four*, or more *Biſhops*, all *Anathematizing* each other, and *moſt* Rebaptizing the *Converts*, gained from any *other Congregation*. The *Eaſt* did abound principally with *Arians*, (and *Macedonians*, *Eunomians*, &c. Which were of the *ſame Sentiments* almoſt) in the *Weſt* the Intereſt of that *Hereſie* was much leſſened, by the *care* and piety of Saint *Hilary*, who by his *Chriſtian Prudence*, *Charity*, and *exemplary Piety* (joyned with as great *Indulgence* or *forbearance*) did reclaim the *Arians* in *France*: Yet were thoſe *Hereticks* conſiderable at *Millain*, and in ſundry others places Socrates *Hiſt. Eccleſ. l. 4. c. 1.* Sozomen *l. 6. c. 6.*

of the *Western Empire*: As also were the *Donatists* in *Africk*, notwithstanding their *fierce Persecution* under *Constans*, by *Macarius* Governour of *Numidia*. It was then seen that no *confiscations* of Lands, and *Churches*, nor *Exiles*, or the most severe Punishments could extinguish a *numerous* and *obstinate Sect*: Whatsoever *they* endured, they esteemed it as *Martyrdom* and became Implacable against the *Catholicks*, as having solicited that *Emperour* and his *Officials* to infest them, contrary to the *Rules* and *Practices* of *Orthodox Christians*. *Julian* (at their Petition) had re-setled *them* in their *Lands*, *Churches*, and *Bishopricks*, and their *specious Zeal*, together with the glory of *their Sufferings*, had created in the *People* such a Reverence for *them*, that they prevailed every were in *that Province*. They *Rebaptized* such as they Converted from the *Catholicks*, and esteemed none to be *true Churches* but *theirs*. The *Pagans* were very *numerous* and *powerful* at *Rome*, in *Africk*, and elsewhere, retaining most of *their Sacrifices*, and their *Rural*, and *City Pontificate*. *Valentinian* beholding the Posture of the *Empire*, Decreed unto his Subjects an *Universal Liberty of Conscience*, and though he did always manifest his own Judgment, and Kindness unto those of the *Nicene Faith*, yet *did* not he molest those of a different *perswasion*. Such was his Demeanour unto the *Arians*, and to the *Pagans*: He *did* not so much as remove the *Altar of Victory*, which stood at the *entry into the Senate*, and where *Sacrifices* were offered, and the *Christian Senators* were compelled to assist with their presence. He *did indeed prohibit Nocturnal Sacrifices*, but *none else*. The first Laws of his concerning *this Indulgence* are lost, but *this following* sufficiently speaks *his Proceedings*.

Socrates *Hist. Eccles. l.* 4. *c.* 1. & *c.* 29. Soz. *l.* 6. *c.* 6. Constant. *Aug. Porphyrogennet. in excerptis ex* Joanne Anticcheno. Ambrosius *Epist. l.* 5. *c.* 30.

Cod. Theodos. *lib.* 9. *tit.* 16. *lege* 9. *The Emppp.* Valentinianus, Valens & Gratianus *A A A. Unto the Senate.*

I do judge that Augury *or* Soothsaying, *is not to be ranked amongst those* Maleficia, *or* execrable Sorceries, *which are Prohibited. Nor do I esteem either* that, *or* any other Religion, *tolerated by my Ancestors, to be a* Crime. *Those Laws which I enacted in the beginning of my Empire, do attest this to be my sense.* I did thereby permit every man to pursue that way of worship which pleased him, *nor do we reprehend* Augury, *but allow*

Cum notis Jacobi Gothofredi.

the

The innocent *use thereof. Given at* Triers. *Gratian A.* 11. & *Probus Coss. Anno Dom.* 371.

The *Character* which *Ammianus Marcellinus* gives of *him* after his death, is this. *His Reign was famous for the moderation used therein, the Emperour carrying himself with an even hand amidst that diversity of Religions: Neither did he molest any one, nor commanded that he should believe and worship thus or thus; neither did he by any menacing Edicts, incline or affright his Subjects to embrace the Religion of their Prince: But he left the several Parties untouched, as he found them.* Amm. Marcellin. *lib.* 30.

It is true he did suppress the *Manichees*, but not as *Hereticks*, but as *Sorcerers* and *Magicians*. *Cod.* Theodos. *l.* 16. *tit.* 5. *lege* 3. *cum notis* Jac. Gothofredi.

As for *Valens* he did give *liberty of Conscience* unto all but the *Orthodox Churches*, whose *Bishops* he deposed, banished, and put to death, punishing their Followers by *Fines*, *Imprisonment*, &c. He tolerated all *other Sects* and *Religions*, even unto open *Paganisme*; except the *Novatians*, who were subjected to *like* persecution with the *Catholicks*. Were it possible for to extirpate by *violence* an *inveterate* and *numerous Sect*, that Emperour had atcheived *his designs*: But at last he found *Divisions*, *Discontents* and *Tumults* to encrease at *home*, and dangers to threaten *him* from abroad: and by the perswasion of *Themistius* (a Pagan *Philosopher*, Senatour of *Constantinople*, and Favourite of all the *Christian Emperours* of his Age) he stayed his fury, and *left every man to adhere unto what Religion he pleased, without any menaces or penalties unto the contrary.* It is probable, that all *Ecclesiastical Immunities* and *Priviledges* were limited by *Him* unto the *Arians*: and some say he did continue to send into Exile the *Orthodox Clergy*; but whither *all* or *some*, and whither upon a *civil* or *Religious* account, tis uncertain. But *Themistius*, doth aver unto *him*, that he did not by *his persecution* make any *Converts* unto *Arianisme*, but *Atheisme*, and brought men rather to worship the *imperial Diadem*, then the *true God*. Paulus Diaconus *hist. miscell. l.* 12. Jacobus Gothofredus *in Cod.* Theodos. *l.* 9. *tit.* 16. *lege* 9. *& lib.* 6. *tit.* 10. *lige* 7. Themistius *in Orat. ad* Valentem. Socrates *hist. Eccles. l.* 4. *c.* 32. Sozomen. *l.* 6. *c.* 37.

Valentinian had two Sons *Gratian* and *Valentinian*, the younger. Their Father died *Anno Dom.* 375. *Gratian* was immediately proclaimed *Emperour*, and though young *Valentinian* were at that time *Augustus*, yet did not he share in the Jacobus Gothofredus *in Chronologia Cod.* Theodos. *ad annum* 375.

the administration of the *Empire*, until the death of *Valens*. It is observed by the learned *Gothofredus*, that during the Reign of *Jovian*, *Valentinian* the Elder, and *Gratian*, there is not to be found *one Law* against *Paganisme*, in order unto its *suppression*. He did remove the *Altar of Victory* from the *Senate-house*; He did withdraw those *publick Revennues*, and confiscate the *Lands* which appertained unto the *Priests*, and *Vestals*; but neither ejected the *Pagans* out of the *Senate* and *cheif commands*, *Military* or *civil*, nor did he *shut up*, or dispoile their *Temples* and *Altars*, or render them incapable of *Donations* and *Legacies*: In which last point [by reason of a *Law* made by *Valentinian* in 370.] the *Pagan Preists* and *Temples* were in a *better condition* then the Churches of the *Catholicks*: Neither did he prohibite the *Pagan Ceremonies*, but that the *publick Sacrifices* were continued at *Rome* until 391. As to the *Heretical Christians* it is apparent that in the beginning of his Reign, and whilest he ruled onely in the *West*, that he did make *severe Laws* against all *Hereticks*, that they should forbear *their Assemblies* in *City* and *Country*, and that all their *Meeting-places* or *Churches* should be *confiscated*. The *first Law* in 370. is not recorded; but the *second* runs thus.

l. in Cod. Theodos. *l.* 16. *tit.* 10. *lege* 7.

Symmachus in relat. ad Theodos. *lib.* 10. *Epist.* 54. Ambros. *lib.* 5. *Epist.* 31. Jac. Gothofredus *in Cod.* Theodos. *lib.* 16. *tit.* 2. *lege* 20. *id. Ibid. tit.* 10. *lege* 7.

Cod. *Theodos.* lib. 16 tit. 5. lege 4. The Emppp. *Valens*, *Gratian* and *Valentinian* A. A. A. unto *Hesperius* P F. P.

Cum rotis Jacobi Gothofredi. It was the *form* in those days to adde all the Emperour's names, though but *one* made the Decree.

We did heretofore (in the behalf of the Catholick Religion, that the Heretical Meetings *might cease) ordain, that* wheresoever any Assemblies were held, in City, or Country, different from those of our Religion, all such places should be seised upon and sold, notwithstanding any pretenses to the contrary, as if they were meerly set apart for the practise of a [false] Religion. *Whither the* connivence *and* dissembling *of the* Magistrates, *or the* refractorines *of those* profane *Persons shall hinder the execution thereof, the same* death *shall be inflicted on those that give the occasion. Given at* Triers, *on the tenth of the Calends of* May. Valens *and* Valentinian *being Coss. A.D.* 308.

But notwithstanding that this *penal Law* was so *strict*, and so rigorously enforced; in the *same year*, when *Valens* was dead, the *whole Empire* devolved unto *Gratian*, and he imbarked in a War with the *Arian Goths* in the *East*, either out

of

of *reaſon of State* (to create a good opinion of *him* amongſt his *new Subjects*, to prevent *Forreign correſpondencies* with his Enemies, or the better to recal thoſe from amongſt the *Goths*, who were baniſhed or fled unto *them* from the fury of *Valens*) or *other motives* (as *diſliking the Proceedings of his Uncle in baniſhing ſuch as were not of his judgement in point of Religion*) he by a Law (bearing date at *Sirmium*) did *recal from baniſhment all thoſe that were exiled for Religion: and gave them free leave to profeſs what Religion they pleaſed, and to aſſemble publickly in their ſeperate Churches*: Excepting the *Manichees*, *Photinians* and *Eunomians*,

Sozomen. *hiſt. Eccleſ. l. 7. c. 2.* Socrates *hiſt. Eccleſ. l. 5. c. 2.* Conſtant. Auguſt. Porphyrogennet. *in excerptis ex* Jo. Antiocheno. Suidas *in voce* Ὑπατίων & Jac. Gothofredus *in Cod.* Theod. *l. 16. tit. 5. lege 4.*

Hereupon many *Orthodox Biſhops* did return to *their Seas*, and in the *ſame Town* there was to be ſeen an *Orthodox Biſhop* (ſometimes *two*, as in the *Schiſme* of *Meletius* and *Paulinus* at *Antioch*) an *Arian*, *Apollinariſt* and *Macedonian* Biſhop; All of them having recovered the *Churches* which had been taken from *them*. Some of the *Catholick* Biſhops are famed for their condeſcenſion and deſire of *Peace* and *Unity*, in that they proferred unto the *Arian Biſhops* (who were poſſeſſed of the *great Churches* and *Revenues*) that if they would conſent unto an *union of Congregations* & *worſhip*, the Church ſhould be jointly adminiſtred by *both*, the *Arians* retaining the *Precedence*.

Sozomen. *l. 7. c. 2, 3.* Socrates *lib. 5. c. 3, 4, 5.*

The *Goths*, notwithſtanding *this Indulgence*, did ſo far prevaile as to over-run *Thracia*, *Scythia*, *Miſia*, even as far as the Gates of *Conſtantinople*, and *Gratian* found the *Weſtern Empire* ſo unſetled by reaſon of the *Almans*, that he could not attend unto the Wars of the *Eaſt*, nor yet intruſt the young *Valentinian* with ſuch a burthen: Hereupon *He* made *Theodoſius* his Co-partner in the Government, and ſent him unto the *Eaſt*, reſerving unto himſelf the Government of *France*, *Spain*, and *Britaine*: and unto his Brother *Italy*, *Illyricum*, and *Africk* in the year 379.

Jacob. Gothofredus *in chronolog. Cod.* Theodoſ. *A. D. 379.*

Theodoſius was no ſooner acknowledged *Emperour*, but he marches againſt the Enemy, and in *Macedonia* gains ſundry Victories over them, and returns *triumphant* in the end of 380 unto *Conſtantinople*; where he finds that the *principal Churches* and their Revenues were at that time, and had been ſo, during 40 years, poſſeſſed by the *Arians*: and ſo were almoſt all the *Churches* of the *Eaſt*, whilſt the *Catholick Biſhops* exerciſed

Socrates *l. 5. c. 7.* Sozomen *l. 7. c. 2 5.*

their

their Religion in *obſcure Conventicles*. *Theodoſius* was a *Spaniard*, deſcended from *Chriſtian* Parents, educated in the *Nicene* Faith, and baptized by *Acholius* (or *Aſcholius*) a moſt *holy* and worthy Biſhop at *Theſſolonica*, zealous for the *ſame Doctrine*. The Emperour determined to cauſe the *Council of Nice* to be univerſally received in the *Eaſt*; but conſidering how *long* thoſe *Hereſies* had infeſted thoſe Countries, how *numerous* and *potent* the *Hereticks* were, the *ſplendour* and *riches* of the *Arian Churches*, the *magnificence* of their *Service*, and the *poverty* of the *Catholicks*, he thought it moſt *prudential* to proceed by degrees, and not to attempt ſo great a work at once. The bloody battels which he had fought, the conqueſts which he had made over thoſe barbarous *Goths*, *Huns* and *Alans*, had gained him the *affection* of the Souldiery, and general Love of the Country: The glory of his exploits had imprinted awe and reverence *for him* in the *moſt remote parts*, and any *Declaration* from ſuch an Emperour would have great influence on the minds of men. Whereupon he publiſhed this *Manifeſto*.

Cod. *Theodoſ.* lib. 16. tit. 1. lege 2. The Emppp. *Gratianus*, *Valentinianus*, and *Theodoſius A. A. A.* unto the People of the City of *Conſtantinople*.

We will and require that all thoſe People who are Subject unto the moderate *Government of our Clemency ſhould profeſs and live in that Religion, which the* ſucceſſive Tradition unto this day, *ſhews to have been at firſt taught the* Romans *by the Apoſtle St.* Peter; *and which it is evident that Pope* Damaſus *doth adhere unto, and which is owned by* Peter *Biſhop of* Alexandria, *a perſon of* Apoſtolical Sanctity. *That, according to the Apoſtolical diſcipline, and Evangelical Doctrine, we may all beleive the* Unity of Godhead *together with the* equal Majeſty, *and* ſacred Trinity *of the* Father, Son, *and* Holy Ghoſt. *They that follow this* Creed, *we commanded to aſſume conſtantly the name of* Catholick Chriſtians: *but thoſe others extravagant and mad Fellows let them be accounted* infamous Hereticks: *Let not their* Conventicles *be termed* Churches: *and let them expect due puniſhment* from God *in the firſt place, and in the ſecond place* from Us, *according as divine Providence ſhall direct our Counſels. Given at* Theſſolonica. Gratian V. *and* Theodoſius 1. *A. A. Coſſ. Anno Dom.* 310.

This

This being promulgated, *He* went to *Conſtantinople*, and there ſends to the *Arian* Biſhop, to perſwade Him to re-eſtabliſh the Union and concord of the Church, by Subſcribing unto the *Nicene* Creed: but *Demophilus* refuſing to Conforme, the Emperour commanded Him, *ſince He would not leave His Factiouſneſs, to leave His Church*, A. D. 380. The which *He* did, and retir'd into the *Suburbs*, where the *Arians* ever after (as long as they continued) did hold *their Aſſemblies*. After this the *Emperour* reſolved to call a *Synod* at *Conſtantinople*, and to eſſay if He could *by parties* draw off the *Sectaries* and *Hereticks* unto the *Catholick* Church; whereupon He moſt amicably invites 36 of the *Macedonians*, Biſhops, thereunto, and 150 *Catholicks*. The difference between the *Macedonians* and *Catholicks* did not ſeem great, or irreconcileable, and they were Men of a *Mortifi'd life* and *popular Sanctity*. But *they* declined all accommodation: Whereupon He iſſued out a *Decree* forbidding any *Sectaries* or *Hereticks* to retain any *publick Churches*, or hold any *Meetings* within *any City*, A. D. 381. But that all Churches *there* ſhould be ſurrendred up to the *Catholick* Biſhops. By his order a ſecond Convention of *Biſhops* was held, and ſtrict orders were given for the obſervation of the *Eccleſiaſtical Canons*; and ſuch perſons were the *Biſhops* He choſe for their *exemplary life*, *ſound doctrine*, and *pious government*, that the *People* and *generality* reverenced them, and were readily diſpoſed to follow *ſuch men* in the *true Faith*, and moſt *expedite way* to the *Empereurs favour*, *honour* and *riches*. After *this* He made another Eſſay to unite the *ſeveral Sects* and *Hereſies* into the *Catholick Church*; but the project ſucceeded not: Whereupon He made *ſeveral rigorous decrees* againſt them, forbidding them *to Ordain any new Biſhops*, *to hold any Aſſemblies in City or Countrey*: *Depriving them of the Franchiſes of Citizens*, *and of the liberty to make any Wills or Teſtaments*; and in a manner *Out lawing* them. But theſe Lawes were by Him *ſuſpended*, and *not put in execution*. For, it was the method of *Theodoſius*, to enforce His Lawes with grievous penalties; but not to execute them: He did not intend to Perſecute His Subjects, but to affright them into

Socrates, *Hiſt. Eccleſ. l. 5. c. 7.* Sozomen, *l. 7. c. 5.* Jac. Gothofred. *diſſertat. in* Philoſtorg. *l. 9. c. 19.*

Sozomen, *l. 7. c. 7.* Socrates, *l. 5. c. 8.*

Cod. Theodoſ. *lib. 16. tit. 5. lege 6. & tit. 2. lege 3.*

Et graves quidem pœnas legibus ſuis adſcripſit: haudquaquam tamen executioni mandavit. Neque enim punire ſubditos, ſed terrere tantummodo ſtudebat, ut idem cum ipſo de Divinitate ſentirent. Nam & illos laudabat, qui ſui ſponte converterentur. Sozomen, *l. 7. c. 12.*

into the ſame Sentiments with Himſelf concerning the Deity. And He did particularly commend thoſe who voluntarily did embrace the *Nicene* Faith.

For the truth of *this Aſſertion* let us conſider how *Theodoſius* dealt with the *Novatians*; For, If *to ſeparate from the Catholicks*; If *to condemne their Churches as defiled and impure*; If *to re-baptiſe ſuch as revolt thence to Novatianiſme*, can be ſufficient incentives for *penal Laws*: then were *theſe men* lyable thereunto, and concluded under *their rigour*. It is unanimouſly avowed, that the *Novatian* Biſhops were *all this time* highly valued, and conſulted with by *Theodoſius*, and *Nectarius* his Biſhop of *Conſtantinople*. It is alſo affirmed that the *Novatians* were not excluded from the *Cities*, but permited to hold their *Aſſemblies* there: And the *Emperour* admiring the *Harmony* of their *Confeſſion* with that of the *Catholicks*, did Enact that *they ſhould ſecurely retain their Oratories, and that their Churches ſhould enjoy the ſame Priviledges which thoſe of the Catholicks did.*

Socrates, *Hiſt. Eccleſ. l.* 5. *c.* 10.
Sozomen, *Hiſt. Eccleſ. l.* 7. *c.* 12. *&* *lib.* 8. *c.* 1.

As to the *Arians*, it is likewiſe recorded, that He did not Perſecute any of *them* (after He had excluded them from Aſſembling *within Conſtantinople*) but onely *Eunomius*: And *Eunomius* (together with *His Sect*) was not properly an *Arian*; for He did equally *rebaptiſe* and *re-ordain* thoſe of the *Arian* and *Orthodox* Party which came over unto *Him*. He was *baniſhed* for not obeying the Decree of the *Emperour*, but continuing to hold *private Meetings* within *Conſtantinople*. The ſaid *Arians* perſiſted openly to hold *their Meetings* without the *City* of *Conſtantinople* in the dayes of *Arcadius* and *Honorius*, making a ſplendid proceſſion thorough the *Streets*, and ſinging *Antiphons* as they went unto their *Churches*. In fine, *Procopius* doth aſſure us, that, notwithſtanding the *many* and *ſevere Lawes* which we read of againſt *Arians*, and other Sects, yet there were *Hereticks* openly tolerated in the *Empire* untill the dayes of *Juſtinian*, with their Churches richly adorned; ſuch were thoſe of the *Montaniſts* and *Sabbatians*, &c. Particularly the *Churches*

Socrates, *Hiſt. Eccleſ. l.* 5. 20.
Socrates. *Hiſt. Eccleſ. lib.* 6. *c.* 8.
Zozomen, *lib. lib.* 8 *c.* 8.
Procopius *in Hiſtor. Arcani: ex edit.* Alemanni, *p.* 51.

Churches of the *Arians* were ſo *ſplendid*, that nothing in the *Roman Empire* could compare with *them*: they had alſo *large Revenues* throughout the Empire, *Having never been moleſted by any Emperour from their firſt Original untill the dayes of Juſtinian.*

Erant quidem, Alemanne, [complures Chriſtianorum Sectæ, quas vulgò Hæreſes vocant: Manichæorum, Samaritarum, *&c.] Sed tamen templa & fana ubique locorum poſſidebant. Illa verò præſertim quæ Arianorum furori ſerviebant, auro & argento gemmiſque & pretioſis lapidibus, omni denique divitiarum & opum genere incredibiliter abundabant.* Tho. Rivius *in defenſ. Juſtinian. adu.* Alemann. *p.* 62.

After that *Julian* had reſtored the *Donatiſts* unto that Liberty which *Conſtans* had deprived them of, they enjoyed their *Churches*, their *Biſhops* and freedome (with little moleſtation) untill the Reign of *Honorius*. *Theodoſius* had made a Decree againſt *ſuch Hereticks as ſhould either give or take Orders*, that they ſhould pay *Ten pounds of Gold*, A. D. 392. This Law was preſſed by the *Catholicks* againſt the *Donatiſts*, to be put in execution, when the *extravagancies* of that Sect were ſuch, that they ſeized the Churches of the *Catholicks*, ſlew ſome of their *Biſhops*, beat and murthered divers *Presbyters*: yet was it not put *in force* untill the dayes of *Honorius*, A. D. 405. Nor did the *Synod* at *Carthage* importune the *Emperour* to *enforce it* but in ſuch places as the *Catholicks* ſhould be violently aſſaulted in.

Cod. Theodoſ. *lib.* 16. *tit.* 5. *lege* 21.

Jacob. Gothofredus *in Cod.* Theodoſ. *lib.* 16. *tit.* 5. *lege* 39.

I might enlarge my Diſcourſe about *this ſubject* unto the *ſucceeding Emperours*, *Arcadius*, *Valentinian* II. (who decreed unto the *Arians* an ample *Toleration*, and commanded that *their Churches* ſhould be reſtored unto *them*, even that of St. *Ambroſe*'s within *Milaine*, A. D. 386. upon pain of *death*) *Arcadius*, and *Honorius*: and ſo down to the Age of *Juſtinian*. From whence I might draw *materials* to illuſtrate the Queſtion, *Whether it be greater wiſdome to attempt the ſuppreſſion of numerous, rich, and obſtinate Hereticks* (they not being like unto the old *Manichees*, *Baſilidians*, or *Priſcillianiſts*, &c. upon whom are fixed the imputations of *Magick*: or occaſion of *crimes* that are *univerſally infamous*, and inconſiſtent with *Humane Society*) *by rigorous Edicts? Or, to indulge them for a time, and by more gentle meanes to contrive and purſue their converſion?* But I have confined my ſelf unto that *Century* which *Our Homily* recommends unto me; and unto *thoſe Emperours*, whoſe *prudence* and

Cod. Theodoſ. *lib* 16. *tit.* 1. *lege* 4 *cum notis* Jac. Gothofredi.

piety all *Eccleſiaſtical Writers* do extoll, and by whoſe meanes *Chriſtianity* was principally advanced. The ſubſequent *Princes* were *Children*, or commonly of *weak intellectuals:* and they are *prooſes* of *little efficacy* which are alledged unto any *of the Church of England* out of the *Sixth Century*. Though even *there* I find the *Emperour Juſtinian* tolerating the *Hexacionitæ*, who were the chief of the *Arians*, into the *fraternity* of whom the *Gotthiſh* Kings in *Italy* uſually were admitted. However I will inſert ſome caſes out of *Eccleſiaſtical Hiſtory* which are deduced out of the *Fifth Century*, and relate unto the times of *Honorius*, who made more *Laws* then any *Emperour* againſt *Hereticks*.

[Alemannus *in* Procop. *hiſt. arc. p.* 56. Jac. Gothofredus *diſſert. in* Philoſtorg. *l.* 10. *c.* 3.

Socrates, *Hiſt. Eccleſ. l.* 7. *c.* 11.

'*Celeſtinus* being Biſhop of *Rome* ſeized upon the *Churches* 'of the *Novatians* which they had within *Rome*, and 'compelled their Biſhop *Ruſticula* to hold his Aſſembly in ob- 'ſcure and private houſes. For *untill that time* the *Novatians* 'lived at *Rome* in a very flouriſhing condition, having *many* '*Churches* and abundance of People reſorting thereunto. This 'raiſed Envy, and that was the cauſe of their 'overthrow, now that the Biſhop of *Rome* was 'advanced into a *Secular Magiſtracy*, in like 'manner as was the Biſhop of *Alexandria*. Up- 'on this *ſcore* it was that the *Roman Biſhops* 'would not permit thoſe to keep their *ſeparate* '*Aſſemblies*, who were otherwiſe as Orthodox 'as themſelves: but having commended them 'much for their *Conſent in matters of Faith*, they 'diſpoſſeſſed them of all they had. The *No-* '*vatians* at *Conſtantinople* were not uſed ſo, but 'were exceedingly beloved there, and their *Churches* tolerated '*within the City*.

Cyrill *Biſhop of* Alexandria, *that* See *being raiſed unto a* Principallity, *did ſhut up, about the ſame time, the Churches of the* Novatians *at* Alexandria, *and ſeized on the* Furniture: *and afterwards confiſcated all the Eſtate of* Theopemptus *their Biſhop*. Socrates, *l.* 7. *c.* 7.

The Character of Atticus *Biſhop of* Conſtantinople.

Socrates, *Hiſt. Eccleſ. l.* 7. 2.

'IN the beginning of the Reign of *Theodoſius* the younger, '*Atticus* was Biſhop of *Conſtantinople*, a perſon of excel- 'lent learning, piety, and prudence: from whence it happened 'that

'that the *Catholick* Church did encreaſe much in his days. For He
'did not only countenance and uphold thoſe *of his own Religion*,
'but aſtoniſhed the *Hereticks* with the apprehenſion of His ſin-
'gular wiſdome. He did not at all deſire to *moleſt* and perſe-
'cute *them*; but ſometimes He would *terrifie them* a little, and
'then oblige them unto Him by *gentleneſs*.

The Character of Proclus *Biſhop of* Conſtantinople, *under the ſame Emperour.* Socrates, *Hiſt. Eccleſ. lib.* 7. *c.* 41, 42.

'PRoclus, Biſhop of *Conſtantinople*, was a man of as excel-
'lent Moralls as any one in the world: For, being Edu-
'cated under *Atticus*, he did ſtudiouſly imitate his vertues; but
'he was of a greater *patience* and *forbearance* then his Maſter,
'who would upon ſome occaſions ſhew himſelf *ſevere* towards
'the *Hereticks*: But *Proclus* was all *gentleneſs*, purpoſing
'*thereby*, rather then with *compulſion*, to gain them unto the
'*Church*. He did not moleſt or vex any *Hereſie* in being, but
'left unto the *Catholicks* the renown of *mildneſs* and *charity*, ac-
'cording to which He had demeaned Himſelf. He had for His
'patterne *Theodoſius* Himſelf, who had taken a reſolution not
'to exerciſe His *Imperial Authority* againſt thoſe that were ob-
'noxious: and *Proclus* was likewiſe determined not to regard
'ſuch as differed from Him in their Sentiments concerning God.
'For this reaſon did *Theodoſius* love and honour *him*: For the
'Emperour Himſelf was of ſuch a frame of ſpirit as becomes the
'true Prieſts of God, neither could He endure thoſe that de-
'lighted in *Perſecution*. I dare boldly ſay that He ſurpaſſed all
'the *true Prieſts of God* that ever were, in *meekneſs*; according
'as the Scripture ſaith of *Moſes* in the Book of *Numbers*, that
'*He was the moſt Meek of all men upon earth*; ſo may I ſay of
'*Theodoſius*, that *He was the moſt milde and obliging Prince* in
'the world: And for *this reaſon* God hath ſubjected His Ene-
'mies unto Him without fighting.

Τὴν ἀνεξικα-
κίαν σφόδρα ἢ
ἐκεῖνος ἐξή-
σκησεν.

Socrates *lived in his dayes.*

Such have been the *proceedings*, ſuch the *preſidents* of thoſe Excellent *Emperors* in the *pureſt times*, whereby *they* contri-ved *How to ſettle and advance* the *Orthodox Church*, amidſt va-riety of *numerous* and *potent Sects*. But how *renowned* ſoever theſe *Princes* are for their *prudence* and *piety*; there is not any of *their projects* (no nor *all of them* ſummed together) which

may

may compare with the *Declaration of His Majeſty* in order to the *preſerving* at preſent, and *re-ſetling* for the future the *Church* of *England*.

If the *Primitive Emperours* did publiſh their *own judgments* concerning the *Orthodox Church*, thereby to *inſinuate unto their ſubjects* which way they *wiſhed* and *deſired* them to *conform their Opinions*: If they did extend *ſeveral priviledges* and *emoluments of Revenue and Legacies* unto the *Catholicks*, which the *Sectaries* were not to receive: Behold what *His moſt Sacred Majeſty* doth declare!

'In the firſt place We Declare our expreſs Reſolution, 'Meaning, and Intention to be, That the *Church of England* 'be preſerved, and remain entire in its Doctrine, Diſcipline, 'and Government, as now it ſtands Eſtabliſhed by Law: And 'that This be taken to be, as it is, the *Baſis*, *Rule*, and '*Standard* of the General and Publick Worſhip of God; and 'that the *Orthodox Conformable Clergy* do receive and enjoy the '*Revenues* belonging thereunto; and that no perſon, though 'of a different Opinion and Perſwaſion, ſhall be exempt from 'paying his Tythes, or other Dues whatſoever.

Hitherto the *Ancient Politicks* concur with the *modern prudence* of *His Majeſty*; yet there is this advantage on the part of the *Church of England* above what the *Primitive Chriſtians* had, that the *Revenues* of the *Conformiſts* are *better ſetled*, and *greater by far* then the *Nicene Fathers*, then the *Hillary*'s, the *Baſil*'s and the *Nazianzen*'s could pretend unto: And the *power* and *dignity* which our *Biſhops* hold as *Spiritual Lords* (not to mention *their influence upon the ſubordinate Clergy*) hath nothing parallel to it in the *four firſt Centuries*, except *we* ſhould ſeek for *particular* inſtances in *Rome* and *Alexandria*. Here are no *Pagan Pontifices*, *Sacerdotales*, *Agrorum Hierophantæ*, *&c.* to *rival*, much leſs *tranſcend* them: No Jewiſh *Patriarchs*, *Primates*, *Archiſynagogi*, *&c.* that equal them *in Titles*, and are to be *reſpected* and *exempted*, by Franchiſements equal unto *theirs*. The common *Schools* and *Univerſities* are not now (as *Athens* in the time of *Nazianzen*; and generally the *Profeſſors* and *Sophiſtæ*) devoted to *Gentiliſme*, but managed by the *Church*. The *Parliament* (as *of old* the *Senate*) doth not conſiſt of *Paynims*, or *Arians*, &c. Thoſe which ſway in our

Jac. Gothofredus *in Cod.* Theodoſ. lib. 16. *tit.* 10. *in* Paratitlo.

Id. Ibid. tit. 8. *in* Paratitlo.

our *Councils*, and in the *Magiſtracy*, are now no ſuch kind of Men as heretofore. From whence it is eaſie to conclude that If the *Orthodox Church* did advance it ſelf in the *Primitive Ages*, amidſt *thoſe circumſtances*, there is no fear that the *Church of England* (which takes that *Antiquity* for its pattern as to *Doctrine* and *Diſcipline*) ſhould be *ruined* amidſt *much better conditions*.

His Majeſty doth further adde; 'That no perſon ſhall be 'capable of holding any Benefice, Living, or Eccleſiaſtical 'Dignity or Preferment of any kind in this Our Kingdom of 'England, who is not *exactly Conformable*.

This is, conform unto the Preſidents of *Conſtantine*, *Theodoſius*, *&c.* who did require an *exact Subſcription* to the *Nicene Council*: Thus *Athanaſius* and S. *Hilary*, *&c.* urge an unalterable Conformity to the Decrees of the *Three hundred and eighteen Biſhops at Nice*: From thence the *Fathers* never would recede: And when the Emperour *Conſtantius* at the *Councils* of *Sirmium*, *Ariminum*, *&c.* had formed ſundry *Comprehenſional Creeds*, whereunto both *Arians* and *Catholicks* might, ſaving their *ſundry judgments*, ſubſcribe: the beſt of the *Fathers* totally rejected the *contrivance*, and thoſe, which, out of a deſire for the *Union of the Church*, had aſſented thereunto, did ſoon repent *themſelves*: for thereby the *Orthodox Church* received extraordinary prejudice. The *Nicene* Fathers, and the *Catholicks* ſeemed to have condemned the practices of *their Chief Prelates* and of *themſelves*, in making ſo *great a Schiſme*, and fulminating out *Anathema's* againſt their *Brethren* for *needleſs words* and *forms*, which the *Church* might want, and which *they* now expunged. The *Arians* triumphed every where as *Victors*, the whole World ſeemed to follow *them*, and the reſt appeared to be juſtly *exiled*, and *ſcorned*, who had raiſed ſuch *Diviſions* and *Animoſities* in the *Church* and *State* about *Trifles*. Hereupon the *Comprehenſion* was utterly diſſolved, and *never* reſumed again in old *Chriſtendome*, as the moſt *fooliſh* and *impracticable* deſign that could be. Upon *this precedent* did the D. of *Saxony* rather proceed by a *ſpecial form of Concord*, then by any *General* and *Comprehenſional* courſe: Thus did the *Calviniſts* in the Synod of *Dort*: The *Romaniſts* in the Council of *Trent*: Q. *Elizabeth* in her *Subſcriptions*.

Athanaſius & noviginta per Libyam & Ægyptum epiſcopi, in epiſtoli ad Epiſcopos in Africa.

ſcriptions. Thus have all *wiſe Princes* done, except *Charles* V. who by an ill-favoured *Interim* tried the *other way*, but with ſo *bad ſucceſs*, that 'tis no *preſident* for *His Majeſty*. How *Orthodox* ſoever the *Novatians* were, yet were they ranked alwayes amongſt the *Hereticks* and *Schiſmaticks*; nor did the *Church* ever project a *Comprehenſion* for *them*. It is true the *Primitive Emperors* did grant *them* the *ſame priviledges* with the *Catholicks*; which I believe did help to continue *their Schiſme* ſo long: But herein the Judgment of His Majeſty ſeems more clear and elevated, in that *He* doth not imbolden any Pretenders unto *Orthodoxy* to be *Schiſmaticks*, by communicating with them *His publick favours*, *&c.* equal emoluments with the *true Sons of the Church of England*. As we do now reckon all *Separatiſts* whatever under the Name of *Non-Conformiſts* (albeit they differ as much as *Novatians*, *Baſilidians* and *Manichees*) ſo did the *Antient prudence* eſteem them all *Hereticks* and *Schiſmaticks*: And if the hopes of *preferment*, if the honour of a *publick Church*, be not motives ſufficient to make ſome men *Proſelytes* to the Church of *England*, It is rational, to think that the being *indiſcriminately* mixed in ſuch a *loathſome company* and *character*, may operate upon the minds of many to abate of *their preciſeneſs*.

It follows, 'We do in the next place Declare Our Will and 'Pleaſure to be, That the Execution of all and all manner of 'Penal Laws in Matters Eccleſiaſtical, againſt whatſoever ſorts 'of Non-Conformiſts or Recuſants, be immediately ſuſpend-'ed, and they are hereby ſuſpended.

His Majeſty herein writes after the *Copy* of the Primitive Times; The *Penal Laws* are ſuſpended; the *Defaults*, the *Hereſie*, the *Schiſme* are not authenticated. The *puniſhment* is taken off, the *guilt* is not: None is encouraged hereby unto *Separation*, but *indulged* if he do *ſeparate*. They are ſtill *Non-Conformiſts* to the *Church of England*; They are ſtill *Recuſants* as to the *Law*; They may aſſemble *publickly*, but 'tis under this *ignominious denomination*. What *power* properly belongs to the *Church*, is entirely reſerved unto it by His Majeſty. *Eccleſia enim jus Judicii habet*; *Imperii*, *minimè*. They are *Spiritual Fathers* and *Judges*: their *Authority*, their *Cenſures* are not *ſuſpended*: The *Parliamentary* and *Secular Laws* are invali-

P. Erodius *Rer. judicat. l.* 1. *tit.* 6. *c.* 14.

invalidated for a ſeaſon; which is *conformable* to the *Ancient Proceedings*: It is not declared that *They are not Hereticks*, or *Schiſmaticks*; but that *They* ſhall be tolerated *though ſuch*. It is one thing to encounter an *Hereſie* or *Schiſme* in the *beginning*, and another *when it hath made a large progreſs*. Then it may be ſuppreſſed eaſily, and the *publick* receives little prejudice by the *baniſhment* or *ruine* of a few. But in the latter caſe, it is to be conſidered that the *Kingdom* receives a *great* and *irreparable damage* in its *ſtrength*, in its *trade*, in its *unanimity*, if *Multitudes* come to be *exiled*, or *impoveriſhed*: The *Manufactures* may be tranſported into foreign Countries, as happened in *Flanders* upon the perſecution there by the D. of *Alva*: Secrets of *State* and *Intereſt* may be divulged: Or if they will not *retire*, foreign *correſpondences* and *complotments* may happen to be driven on by the *enraged* or *deſperate*, to the ruin of the *Kingdom* and *Church*. If the revolt of *Africk* to the *Vandals*, if the revolt of *Italy* unto the *Goths*, were an effect of the *rigorous uſage* againſt the *numerous* and *obſtinate Donatiſts*, and *Arians*: If the progreſs of *Mahometaniſme* was facilitated by the ſeverity practiſed againſt the *Arians* in *Syria*, *Ægypt*, and *Africk*; I would fain know whether the *Church* benefited more by the *Indulgence* of the firſt *Emperours*, or *rigors* of the latter? It was a *Rhodomontado* of *Philip* II. King of *Spain*, that *He had rather have no Subjects at all, than thoſe He had to be Hereticks*. By ſuch Maximes the *Moors*, the *Jews* were ejected *Spain*. If a *Wiſe-man* examine the conſequence of this opinion, He will find that the Exchequer of *Spain* hath been exhauſted, the *Revennes* infinitely leſſened, the *ſtrength* and *riches* of the Kingdom mightily diminiſhed, ſeveral *Provinces* loſt, the *Monarchy* ſcarce able to ſupport it ſelf: And is this nothing unto the *Biſhop* and *Canons* of *Toledo*?

Quantum inde vulnus ærariis Regis inflictum ſit, quid attinet dicere, cùm res ipſa omni teſtificatione luculentius clamet? Sed vincit amor fidei, & cupido propagandæ pietatis, quam ſibi cum ſceptris, & præ ſceptris, commendatam tuendamque ſuſcepit. Alex. Patricius Armacan. *Mars Gallicus*, lib. 2. c. 30.

Next, It is Declared, 'That there may be no pretence for 'any of Our Subjects to continue their Illegal Meetings and 'Conventicles; We do Declare, That We ſhall from time to 'time allow a ſufficient number of Places, as they ſhall be deſi-'red, in all parts of this Our Kingdome, for the uſe of ſuch as 'do not *Conform to the Church of England*, to meet and aſſem-

 'ble

'ble in, in order to their Publick Worſhip and Devotion: 'which Places ſhall be open, and free unto all perſons.

This *Paragraph* contains a part of *Wiſdom* which is ſuperiour unto any thing the *Fourth Century* doth ſuggeſt unto me about *this Subject*. Hereby His Majeſty underſtands the *Place*, the *Perſons* meeting, and their *Numbers*; and may (the acceſs being *free*) inform Himſelf of the *Doctrine* taught, of the *Diſcipline* practiſed, and of the *Immoralities* that may happen amongſt *ſome Sects*, which may reſemble the *Valentinians*, *Gnoſtics*, *Baſilidians*, *Priſcillianiſts*, *&c.* Thoſe *Sects* which moſt diſtract the *Church*, and ſubvert the *Common-wealth* are ſuch, as cannot bear the *Light*, and a *publick view*. There cannot be a more *Moral certainty* that neither *Church*, nor *State* ſhall be damnified by theſe *Schiſmatical Aſſemblies*, then this, *That His Majeſty doth allow the Place, and Teacher.* Amongſt the old *Hereticks* and *Schiſmatics*, the Emperors never had the *Approbation* of *their Biſhops*; but they were *Elected* and *Ordained*, and admitted without *His privity*. This occaſioned *great troubles* to the Emperors, and to the *Schiſmatics* themſelves; for as *they* ſometimes choſe out of *faction*, at other times they were deceived by the *Hypocriſie* of an *Ambitious* perſon (who was to *riſe* by a *ſeeming piety* and *cajolling* of the *populace*) ſo the *Emperors* did perſecute them frequently for the *diſorders* and *miſdemeanors* of their *Paſtors*, and were forced to enact Laws againſt thoſe *Hereticks*, that did *ordain*, or were *ordained*. Something like unto what His Majeſty doth, I remember to have read of in the life of that *brave* and *wiſe Goth*, *Theodoric* King of *Italy*. He was an *Arian*, yet did tolerate the *Orthodoxe*, their *Biſhops*, and *Churches*. And it is obſerved, that whileſt He had the *Approbation* of the *Catholick Biſhops*, the *Churches* were better ſerved then ever: He inviolably adhered unto the *Indulgence* given, and placed His intereſt in *approving of ſuch Biſhops onely* as were

Tanta fuit in Theodoricho cura ejus quam non profitebatur ipſe Religionis, ut optimos ei ſemper Epiſcopos daret. De quo ſic nepos ejus Athalarichus (*Caſſiodor. varior. l. 8. ep. 15. Senatui Urbis Romæ.*) Gratiſſimum noſtro profitemur animo, quod glorioſi domini avi noſtri reſpondiſtis in Epiſcopatûs electione judicio. Oportebat enim arbitrio boni principis obediri, qui ſapienti deliberatione pertractans quamvis in alienâ religione talem viſus eſt Pontificem delegiſſe, ut agnoſceretis illum hoc optâſſe præcipuè, quatenùs bonis ſacerdotibus Eccleſiarum omnium religio pullularet. Recepiſtis itaque virum, & divinâ gratiâ probabiliter inſtitutum, & regali examinatione laudatum. *H. Grotius in Prolegom. ad Hiſt. Gotthorum.*

were *peaceable*, and *pious*: Nor did *They* endeavour to ſerve *their private ends*, but the *Church*, in their *Miniſtry*; becauſe that *ſuch courſes* might endanger *their Biſhopricks*, which were held but precariouſly of the *King*. Whoſoever ſhall compare *this Declaration*, and *way of meeting*, with that *Act*, whereby *four beſides the family might convene*; *under any Teacher*: will diſcern the *ſagacity* of Our King, who hereby prevents the *Blaſphemies*, *Groſs Errors*, *un-moral*, and *pernicious principles* which might be inculcated into his ſubjects *privily that way* by the *illiterate*, *ignorant*, *Wicked Teachers* (as *Ranters*, *&c.*) who might be retained.

I cannot but take here notice of that *Ancient Prudence* and *Reſpect* unto the *Church of England*, which His Majeſty ſhews in the *form* of His *Licences*, wherein *He* doth not vouchſafe unto their *Aſſemblies* the Name of *Churches*, but *Meetings*, and their *Inſtructor* is called a *Teacher*, not a *Paſtor* or *Presbyter*, which is exactly conſonant to the Edicts of *Theodoſius* the Great, and His Son *Arcadius*. *Cod.* Theodoſ. *lib.* 16. *tit.* 5. *lege* 26. *&* *tit.* 1. *lege* 2.

His Majeſty concludes, 'And if after this Our Clemency and Indulgence, any of Our Subjects ſhall preſume 'to Abuſe this Liberty, and ſhall Preach ſeditiouſly, or to 'the Derogation of the Doctrine, Diſcipline, or Govern'ment of the Eſtabliſhed Church, or ſhall meet in places not 'allowed by Us, We do hereby give them warning, and De'clare, We will proceed againſt Them with all imaginable ſe'verity: And We will let them ſee We can be as ſevere to pu'niſh ſuch Offenders, when ſo juſtly provoked, as We are In'dulgent to truly Tender Conſciences.

Thoſe that preach *Sedition* do abuſe their *Liberty*, and if they ſuffer *thereupon*, the *Indulgence* to *Tender Conſciences* is not violated. To be obedient unto the Magiſtrates in *Civil affairs*; To walk *orderly*, and without *giving offence*: theſe are indiſputable Duties of *Chriſtianity*. If we conſider the example of *Our Saviour*, he fulfilled all Righteouſneſs. If we regard *S. Paul*, he retracts the *harſh Language* which he had given unto the *Jewiſh High Prieſt*; and at *Epheſus* He was not found *Blaſpheming*, or *Reviling* the *Gods of the Gentiles*. In the *Levitical Law*

there was a precept *Not to blaſpheme the Gods*: And it was a tenet of the *firſt Chriſtians*, that they ought not to *blaſphome*, or *rail againſt the falſe Deities of the Pagans*, leſt They ſhould give the *Gentiles* occaſion to blaſpheme the *true God*. There is a *Canon* of the *Church*, which denies unto them the *Glory of Martyrdom*, who ſhould diſturb a *Prieſt at his Sacrifice*, or *demoliſh their Altars* and *Idols*. Such a reverence had *They* for *Government*, and ſo great a care to preſerve the *Peace*. The *Donatiſts* were perſecuted by *Conſtantine*, *Conſtans*, and *Honorius*, by reaſon of the frequent tumults they made, contemning the Authority of the *Emperors*, ſeiſing violently the *Churches* of the *Catholicks*, committing intolerable outrages upon their *perſons*, ſometimes killing their *Biſhops* and *Clerks*: Whereas the *Novatians* demeaning themſelves *Civilly* and *Peaceably*, were not *moleſted*. The *Arians* were enjoyned by the Great *Theodoſius* to hold their *Meetings* without the City of *Conſtantinople*; And were peaceably ſuffered *there*: But when *They* began to hold other *unlawful Aſſembleis* in the publick *Porticos* of the City, though not to worſhip therein, but to ſing certain *Antiphons* which tended to *Sedition*, and unto the diſparagement of the *Catholicks*: there aroſe a tumult thereupon, and ſeveral were ſlain on both ſides; whereat the Emperor was incenſed, and ſuppreſſed *thoſe Meetings* as *unlawful*: and *ſuch Hymns* were interdicted. Thus much I find recorded; but I do not remember that any of the *Antient Emperors* did expreſs ſuch a concern for the *Church* in their *Edicts*, as His Majeſty doth manifeſt in *His Royal Declaration*, *viz.* that *None ſhall preach what derogates from the Doctrine, Diſcipline, or Government of the preſent Church*, then *which* nothing can be more prudential, for conducing to the publick tranquility. *Their Teachers* may inſtruct *Their Flocks*, and *thoſe* (as I may ſay) *that are within*: But not *judge thoſe that are without*. If they do eſtabliſh *their ſuppoſed Truths*, the *Contrary tenets* fall of themſelves; and it is a *needleſs*, if not a *ſeditious* attempt to expatiate againſt the *Religion that is National*. The *Sectaries* ought to conſider the *Umbrage* they are under; and to *walk warily* upon *that account*, as well as upon this motive, that in caſes of *Treaſon* and *Rebellion* greater caution is uſed, and leſs proofs ſuffice then in leſſer *crimes*: They

Socrates *hiſt. Eccles. l. 6. c.* 8. Sozomen. hiſt. Eccles. lib. 8. c. 8. *Ærodius* ver. judicat lib. 1. tit. 6. c. 15.

must

must not only be *innocent*, but free from the *ſuſpicion thereof*: For the conſequences of *Sedition* are ſo dreadful and horrid, that no wiſe Governor will ſtay till it *manifeſt* it ſelf by *open actions*, but he puts a ſtop to what hath a *tendency that way*. And if any one ſhall at any time find *Himſelf* abridged in his *Liberty* for any ſuch miſdemeanor, He muſt blame *himſelf*, and not the *State*, which ought to be *jealous of ſmall matters* where the *Common welfare of the Kingdom* is likely to be endangered. The *precedents* which I have alledged for *Indulgence* conclude nothing in *this caſe*; for even thoſe *Emperors* did not eſteem *Actions un-moral*, or *Seditious* to fall under the notion of a *Tender Conſcience*. It behoveth therefore *All the Nonconformiſts*, in common *Gratitude*, to be *Civil* and *Reſpectful* unto that *Church* whereof *their Indulgent Soveraign* is a Member: It behoveth them in common prudence, not to enervate, or ſubvert that Government which *protects* them: It behoveth them according to the common Rules of *Chriſtianity*, to be wiſe unto *Sobriety*; to walk *worthy of that Liberty whereunto they are called*.

As to the *Sons of the Church of England*, I can ſuggeſt nothing unto them in *this juncture of affairs*, that is comparable with their *own principles*. The Homily *againſt Contentions* is the moſt *perfect Summe* of all that can be ſaid about *Moderation*. They profeſs to *gather their Doctrines out of the Fathers*: And they will never erre at this time in *their deportment*, who ſhall conſult *thoſe Oracles*; Neither will any thing conduce more unto *our peace*, then that *our Church* conform themſelves unto thoſe *illuſtrious* and *pious precedents* which They have tranſmitted unto *Us*, How to deal with *obſtinate* and *condemned Hereticks*. I am more convinced by *S. Hilary*, then the more modern dictators of *Eccleſiaſtical Policy*. The former treated the *Arians* with much mildneſs, and regained *them* unto the *Church*, without the aſſiſtance of the *Secular power*: And there is a great difference betwixt the addreſſes of the *African* Fathers unto, and for the *Donatiſts*, and what I can find in the *preſent Incendiaries*. I dare not be ſo *bitter in my expreſſions*, and *ſo uncharitable in my Cenſures*, againſt the *Non-Conformiſts*; becauſe the Fathers do not allow of it; Nor is it conſiſtent with that *Charity which thinks no evil*; nor with the *Homily* againſt *Contentions*, whereunto our Clergy ſubſcribes. It is there that I

read

read *How taunts* and *Satyrical* invectives are forbid: It is 'there that I read How a *Scoulder* and a *Taunter* is reckoned '(1 *Cor.* 1.) with *Thieves* and *Idolaters*. We are not *to eat with* 'such: And many times there cometh leſs hurt of a *Thief*, then 'of a *railing Tongue*; for the *one* taketh away a Man's *good name*, 'the *other* taketh away *his riches*, which are of much leſs value then his *good name*. A Thief hurteth but *Him from whom he* 'ſtealeth: But He that hath an *evil* tongue troubleth *all the* 'Town where He dwelleth, and ſometimes *the whole Countrey*. 'And a *railing tongue* is a peſtilence ſo full of contagiouſneſs, 'that *St. Paul* willeth Chriſtian Men to forbear the company 'of ſuch, and neither to eat nor drink with *them*. And whereas 'he will not have a *Chriſtian Woman* ſhould forſake her Huſ-'band, although he be an *Infidel*: or that a *Chriſtian ſervant* 'ſhould forſake his Maſter which is an *Infidel* and *Heathen*: ſo 'that *He* ſuffers a *Chriſtian man* to keep company with an *Infi-'del*: Yet *He* forbiddeth us to *eat* with a *Scoulder*, or *Quarrel-picker*. I dare not entertain ſo ſevere thoughts againſt the *Generality* of the *Non-conformiſts* as to ſay that *their obſtinacy* ariſeth from *malepertneſs* and a *Peeviſh Humour*. I allow that they are *deluded*, but S. *Salvian* tells me that *a man may erre with* 'an upright intention, and *pious deſigns*. The *Truth* is lodged in 'the *Church of England*, but they think themſelves poſſeſſed of it. 'The *right Worſhip of God* is amongſt us, but *they* think their 'wayes to be *right*: And whatever *Impiety* they are guilty of, 'they do not eſteem it to be ſuch. What *they* are unto us, *we* 'ſeem to be unto them: And how they ſhall be judged for their 'erroneous *opinions* at the laſt day, He alone knows who is to 'be their Judge. Whence is derived this new mode, of *rendring evil for evil*? of *curſing them that* perhaps *do not curſe us*? Doe we think to *convert Men* by *Satyrs*? or winn upon *Engliſh Spirits* by *contumelious language*? or make men *love us*, by proclaiming them for *Hypocrites ungovernable*, and *intolerable* Sectaries? do we think to reconcile affairs by repeating matters? Pardon me, ye modern followers of *Idacius* and *Ithacius*, if I imagine the example of *S. Martin* to be moſt authentick in our Church! I dare not ſay that *a Belief of the indifferency, or rather Impoſture of all Religion, is now made the moſt effectual* (*not to ſay the moſt faſhionable*) *Argument for*

Salvian. *de gubernat. Dei. lib.* 5.

Liberty

Liberty of Conscience, Because I know that *Necessity of State*, and *Salus populi*, are superior thereunto, and much more *in fashion*: And whosoever understands the *Controversie*, must know that there are considerable Arguments for it; and 'tis a great mistake in *History* for any Man to say, That *Toleration* (after Ecclesiastical Censures are passed) *is onely cried up by oppressed parties*. It is an effect of the same *Ignorance*, for any man to say, That *Toleration is inconsistent with Government*: That *'tis better to abrogate penal Laws, then to suspend them* in this case. I cannot believe that to be the course to *ruine the Church*, whereby it appears to have *been setled*: Neither can I comprehend How the *Toleration* of *numerous, potent*, and *inveterate Sects* or *Factions*, should be so *destructive to Government*: Since that I find hereby that *Constantine*, *Valentinian*, and *Theodosius* the great; as also *Theodoric*, did most happily compose *their affairs*; *whilst Honorius*, *Justinian* and others by *rigorous Counsils* have ruinated *fair Empires*, and renowned *Churches*. Whosoever compares the *antient* and *modern Sectaries*, will find the *Manichees*, the *Piscillianists*, and *Basilidians* the more *fanatical*: Compare the *Ages* that was the more *ignorant* and *brutal*; Compare the persons, those were the more *subtle*, *perfidious*, and *designing*: There is in an *Englishman* a native temper which carries with it *innocence* and *simplicity*: Evil principles have not usually here those *violent transports* and *effects* which seem inevitably to be deduced from *them*. The *president* of the *Late war* is most ignorantly made use of at present: It arose from a *complication of causes* which cannot possibly concur again in *this generation*; And it is a gross *paralogisme* to argue, that because in a *broken and dissolved Government* this or that ill effect was produced by *Fanaticisme*: therefore it will occasion the like calamities in a composed State. Or, because when Men apprehended not the evils thereof, they were thus and thus transported; therefore they will fall into the same extravagancies, after they have paid dearly for their errors. Or, because that when all our neighbors were engaged in war, some *designing Men* thought they might securely attempt a change in the Government; therefore they will complot the

Vires quæ supersunt tempestivè fovendæ sunt, nè penitùs deficiant. In extremis consilia etiam necessitate honesta fiunt; ac Sinuanda vela cùm tempestas jubet. Omnia maris mala naufragio minora sunt: & Gubernator, *ut aureis Curtii verbis utar*, ubi naufragium timet, jactura quicquid servari potest, redimit. Puteanus *in Statera Belli & Pacis*.

same

ſame now when the circumſtances are altered. By the ſame reaſon that all theſe *horrid conſequences* are charged upon the *Sectaries*, one might argue againſt *choler* and other *peccant humors* in the bodies of Men; yet 'tis certain that *they ballance* each other by their contrariety, and their proportionate mixture (they retaining their ſeveral natures) doth make that deſirable thing called *Health*. Nay, it is evident, that even *diſeaſed bodies*, with a moderate care, do ſubſiſt and live as long, or longer then thoſe that ſeem more ſound of complexion: When we have made as bitter harangues againſt the *Spleen*, *Gout*, or that unequal conſtitution of a *cold ſtomach* and hot *liver*, as any Scholar of *Ben. Johnſon* againſt *Schiſme* and *Liberty of Conſcience*: yet it will never be demonſtrated that it is better to *endanger*, or *abſolutely to deſtroy the patient*, *then to permit him to live* (as long as others) *under ſuch intolerable diſtempers*. What neceſſary connexion is there betwixt *Schiſme*, *Hereſie* and *Rebellion*? Why muſt diverſity of *Religions* introduce *Civil diſſentions* unavoidably? Were not the Religions of the *Noachida*, or *Proſelites for inhabitation* and that of the *Circumciſed Jewes* quite different? Was not the Religion of the *Alexandrian Iewes* and *Chriſtians* different from that of the *Romans*, and *Ægyptians*? Was not that of the *Babyloniſh Captives* different from the Worſhip of the *Perſians*? Was not there ſomething peculiar in the *preciſe Iewes* that was more likely to create *tumults* and *diſturbances*, than can be found in any *Engliſh Sectaries*? And had not they greater opportunities to create *Rebellions* in *Egypt*, and *Babylon*, by reaſon of their *Princes*, or *Æchmalotarchs*, then our *Schiſmaticks* here have, who are not ſo much as united under *Biſhops*? The which is remarkable in order to our future hopes for the re-eſtabliſhing of our Church; ſince *Epiſcopacy* is a powerful remedy againſt *Schiſme*, and the *Macedonian Hereticks*, when they turned *Presbyterians*, and ceaſed to chooſe any *Biſhops* over *them*, they continued not long after in being, as *Eccleſiaſtick Hiſtorians* do obſerve. To conclude; the *Sectaries* are irreconcileably divided one againſt the other: The *penal Lawes* unite their Intereſt againſt the *Government*: But *Indulgence* continues them *dis-joyned*. Which is the moſt *ſecure* courſe?

If

If the caſe were to be *determined* by ſuch as underſtood any thing of *State-affaires*, the Judgment of the fam'd *Monſieur La Noue* (in his diſcourſes) and of *Bodin* (in his Commonweale) and of *Albericus Gentilis* (the Dictator of *Civil Law* in the dayes of Queen *Elizabeth*) not to mention others, would ſignifie much in the *debate*. I ſhall conclude with the *Report* of *Ærodius* how the cauſe hath been adjudged.

Alberic. Gentilis *de jure belli, l. 1. c. 10. & in commentat. de jure belli, p. 28.*

P. Ærodius *rer. judicat. l. 1. tit. 6.* de hæreticis, *c. 9.*

LEt us thus decide the caſe: 'When an *Hereſie* firſt be-'gins, it is beſt to puniſh the Author ſeverely, for ſo it 'will be eaſily ſuppreſſed. But when it is farr ſpread, and hath 'taken deep root in mens mindes; if the parties have no other 'intents, then *to Worſhip God in their way*, as the *Chriſtians* deſi-'red under the Pagans; then ſo much may be indulged unto 'Hereticks, as (without *approbation* thereof) the preſent exi-'gency requires that we ſhould diſſemble, and tolerate. The 'Emperour *Julian* did by a Law approve of *Liberty of Conſcience*, 'when He (as *Ammianus Marcellinus* relates it, *lib. 22.*) did 'by name recall from baniſhment all the exiled *Hereticks*, and 'ordained that every one of them, of what Sect of Chriſtians 'ſoever, ſhould ſpeak and teach according to his inclination. 'Why did He ordain this by a *formal Law*, and Edict? Be-'cauſe by the ſolemnity of the thing, the *Hereticks* would 'be more imboldened *to make uſe of their utmoſt Liberty*, 'whence diſſenſions would ariſe, and the Chriſtian Biſhops be-'come exaſperated one againſt the other, to the ſubverſion of 'Chriſtianity, and confirmation of *Paganiſme*. This He did ſo 'little conceal, that the Emperour *Honorius*, by a reſcript un-'to *Hadrianus*, cauſed the Edict which He had made in favour 'of the *Donatiſts*, to be publickly affixed, that every one might 'know the purpoſes then on foot. It is certain that *He wills* 'and intends the growth of Hereſie, who fortifies it by a Law: 'who commands that the Appellation be not eſteemed infamous: 'Who in preferments and employments of State, makes no difference 'betwixt the Heretical, and Orthodox. But He connives onely 'at them, who either delaies, or gently inflicts his puniſhments: 'who

Let our *pſeudo-politicians* mark this, and they will find that the *Penal* Lawes are much better ſuſpended by an extraordinary *Declaration*, then by an *Act of Parliament*.

'*Who forbids that they be inquired after: Who prohibits all proceed-*
'*ings by Law againſt them: Or who, to prevent greater evils,*
'*doth ſo indulge them, as to expreſs the particular reaſon there-*
'*of.* As for example, Pope *John* I. was ſent on an Embaſſy to
'the Emperour *Juſtin* by *Theodoric* the *Arian* King: and He
'obtained a *Toleration* of the *Arians* in the *Eaſt*, to prevent
'the indignation of *Theodoric* againſt *Italy*, which He threat-
'ned to lay waſte, in caſe that *Juſtin* continued His perſecution
'of the *Arians*. When a Kingdom is brought to theſe reſo-
'lutions, men ought not to deſpond, or prognoſticate fatal in-
'conveniences, *when Lawes are indulged; there is ſtill a great*
'*influence upon the mad multitude, by the example of the Prince,*
'*and the unblamable life, ſound doctrine, and great learning of the*
'*Orthodox Clergy.* Thus we reſolve the Queſtion, if *bare*
'*Hereſie* be the Subject thereof: But if other *Crimes* mingle
'with *Hereſie*; if they be ſwaied by *Ambition*, and not an *ima-*
'*ginary piety*: if the *Hereticks* propagate their Sect by *force*
'and *violence*, not *gentle perſwaſion*; then the Prince ought to
'proſecute them in ſuch manner as the *Senate* of *Rome* did the
'Feſtivals of *Bacchus*: or as it is uſual to proceed againſt *Trai-*
'*tors.*

I think I may now put a *period* unto the Diſcourſe about *In-dulgence*, which I have ſo managed as becomes a *Son*, and a *Friend* unto the *Church of England*, as well as a *lover of the peace and welfare of his Native Countrey.* I have not debated the point of *Prerogative* in particular; partly becauſe, what was ſaid heretofore about the *Deity*, is true concerning theſe *Gods on earth*, It is dangerous to tell even the *truth* concerning *their Eſſence:* partly, becauſe I could not do it without *offending*, if not *prejudicing* the *Church of England.* I do not think it *convenient* or ſeaſonable, that we ſhould *minutely inquire*, whether, *All the Power which was owned to be in the Pope at the Lateran Councill, were veſted in K.* Henry VIII. Or to examine ſtrictly what the purport of thoſe words are, that *The Kings of this Realme ſhall be taken, accepted and reputed the onely Supreame Head on Earth of the Church of England, called* Anglicana Eccleſia, *and ſhall have and enjoy annexed*

nexed and united unto the Imperial Crown of this Realm, *as well the title and ſtile thereof, as all Honours, Dignities, Preheminences, Juriſdictions, Priviledges, Authorities, Immunities, Profits and Commodities to the ſaid Dignity of Supream Head of the ſame Church belonging and appertaining.* Our Laws doe likewiſe tell us, that *the King is the* onely *and undoubted ſupream Head of the Church of England and Ireland, to whom by* Holy Scripture *all Authority and power is* wholly given *to hear and determine all manner of cauſes Eccleſiaſtical.* Which paſſages whoſoever ſhall *diſcreetly* conſider, He will eſteem of theſe *Arcana Imperii* as matters which no *wiſe man* will ſearch into, that affects the *tranquillity* of theſe Realms. To exemplify this further; did not Q. *Elizabeth* diſpenſe with the *Act for coming to Church,* and connived at the *Popiſh Service* in private Houſes, in a manner without puniſhment, although it were prohibited by the Law under a *pecuniary mulct*? This *Indulgence* ſhe uſed for *thirteen years*: And when the *Statute* was made againſt the bringing in of *Bulls, Agnus Dei's and hallowed grains,* &c. (privy tokens of Papal obedience) *or to reconcile any man unto the Church of Rome*: yet was there no man *in full ſix years* proceeded againſt by *that Law.* What imports it, whither a *Law,* be *ſuſpended* by *Practice,* or *Declaration*? Her Reign doth afford ſome inſtances of *Toleration,* as alſo do the *Primitive Times,* which I have declined to mention; But yet they are *inſtances* of what a *Prince* may do upon *Reaſon of State,* and againſt which I have not met with any *Father, Biſhop,* or *Lawyer* that hath proteſted.

I thought to put an end here unto this *Preface,* which is grown *prolixe* beyond my intention. But I met lately with a *Book,* written by an *Engliſh Lawyer* in 1640. and tendered to the *Parliament,* which requires ſome *Animadverſions* thereupon: The *Caſe* is about *Ship-Money* but there is an excurſion againſt the *Engliſh Soveraignty of the Brittiſh Seas,* the which ſince I have ſo perſpicuouſly aſſerted againſt the *Dutch,* it ſeems neceſſary that I do not ſuffer it to be betrayed by the *Engliſh*: I am ſorry to find a ſort of *Civil* war betwixt the *Temple,* and a faction in *Lincolns-Inn*: and I wondered who

 had

had ſuggeſted unto the *Dutch* thoſe principles of *refuſing the Flag, and denying our Rights on the Sea*, until I found this *Book* to have given *them* a pretext thereunto. If I be any thing ſharp in my *reflections* thereon, I may be pardoned, ſince thoſe aſſertions are leſs to be endured in an *Engliſh man*, then in an *Hollander*: After the writings of *Selden*, it is ſtrange to find a Subject of the *King of Great Britain*, that doubts *Whether the Sea be a part of the King's dominions?* and adds, "But grant the 'Sea be a part of the King's Dominions to ſome purpoſes, How 'is it a part Eſſential or equally valuable, or how does it ap-'peare that the *Fate of the Land depends wholly upon the Domi-'nion of the Sea? France* ſubſiſts without the *Regiment of the* 'Sea, and why may not *we* as well want the ſame? If *Eng-'land* quite ſpend it ſelf, and poure out all its treaſure to 'preſerve the *Seignory of the Seas*, it is not certain to exceed the 'Naval force of *France*, *Spain*, *Holland*, &c. And if it con-'tent it ſelf with its *antient* ſtrength of Shipping, it may re-'main as ſafe as it hath formerly done. Nay I cannot ſee that 'either neceſſity of *ruine*, or neceſſity of *diſhonour* can be truly 'pretended out of this, that *France*, *Spain*, or *Holland*, &c. are 'too potent at *Sea* for Us.

The caſe of *Ship-Money* briefly diſcourſed according to the grounds of *Law*, *Policy*, and *Conſcience*, preſented to the *Parliament*, *Nov.* 3. 1640.

The *ancient ſtrength of Shipping* in *England* heretofore, conſidering the condition of *our Neighbors*, did farr tranſcend *ours* of late.

'The *Dominion of the Seas* may be conſidered as a *meer Right*, 'or as an *Honour*, or as a *Profit* to us. As a *Right* it is a 'Theame fitter for *Scholars* to whet *their Wits* upon, then for '*Chriſtians* to fight and *ſpill blood* about. And ſince it doth not '*manifeſtly* appeare, *how* or *when* it was *firſt* purchaſed, or by '*what Law* conveyed unto *Us*, we take notice of it onely as '*matter of wit* and *diſputation*. As it is an *Honour* to *make 'others ſtrike ſaile to us* as They paſs, it is a *glory* fitter for *wo-'men* and *children* to wonder at, then for *Statesmen* to contend 'about: It may be compared to a *Chaplet of Flowers*, not to a 'Diadem of Gold: But as it is a profit unto *Us* to *fence* and 'encloſe *the Sea*, its matter of *moment*; yet it concernes *Us* no 'more then it doth *other Nations*. By *too inſolent* conteſtations 'hereupon, *we may provoke God, and diſhonour our ſelves*; we 'may more probably incenſe *our friends*, then quell *our enemies*; 'we may make the *Land* a Slave to the *Sea*, rather then the *Sea* 'a Servant to the *Land*.

I mention this paſſage to ſhew the *Frenzy* which poſſeſſed the

Heads

Heads of many that would be reputed *Patriots* and Defenders of the *Laws* and *Liberties* of the *Engliſh* Nation in 1636, *&c.* But there are ſome *fatal periods* amongſt theſe *Northern Regions*, when the *Inhabitants* do become ſo *brutal*, and *prejudicate*, that no obligations of *Reaſon*, *Prudence*, or *Conſcience* and *Religion* can prevail over *their paſſions*, eſpecially if they are inſtigated by the *Bouteſens* of the *Law* in oppoſition to the *Goſpel* of *Peace* and *Obedience*. At another time, it would have ſeemed ſtrange, that a *Common-Lawyer* ſhould doubt *whither the Sea be a part of the King's Dominions?* Whereas *our Laws*, *and Parliaments* have *alwayes* decreed it *to be ſo*. It is ſtrange that one of *that Robe* ſhould controvert *our Right* thereunto, or ſcruple *How it was purchaſed*, ſince in *Vulgar Titles* the *Common-Law* looks no farther then *Preſcription*; and in explication thereof; they are not ſo *nice* as the *Civiliant*: For by the *Civil Law* there is required a *juſt Title*, which the *Common Law* requireth not: And *Bona fides*, which the *Common Law* requireth not: and *continual Poſſeſſion*, which the *Common Law* only requireth: And *This He* might have ſeen *proved* in Mr. *Selden*, and Sir *John Boroughs*. If it be true that the *Sea is free*, according as ſome *Civilians* have written, this can no otherwiſe be underſtood, then as it is commonly ſaid, *The High-wayes are common and free*, by which is meant that *they* cannot be uſurped by private perſons, for *their ſole proper ſervice*, but remain to the uſe of *every one*: Not therefore that *they* are ſo *free*, as that *they* ſhould not be under the *Protection* and *Government* of ſome *Prince*, and that every one might do licentiouſly, all which it pleaſed Him, either by *Right* or *Wrong*: foraſmuch as ſuch *licentiouſneſs* or *Anarchy* is abhorred both by *God* and *Nature*, both by *Sea* and *Land*. The true *Liberty of the Sea* excludes it not from the *Protection* and *Superiority* of ſuch as maintain it in *Liberty*, nor from the Subjection to the Laws of ſuch as have command over it; rather neceſſarily it includes it. The *Sea*, no leſs then the *Land*, is ſubject to be *divided* amongſt men, and *appropriated* to *Cities* and *Potentates*; which long ſince was ordained of *God*, as a thing moſt *natural*; and this was well underſtood by *Ariſtotle*, when He ſaid, *That unto Maritime Cities the Sea is the Territery*

William Fulbeck's *Pandects of the Law of Nations. c. 4.*

See the Plea of Chizzola *for the* Venetian Sovereignty *over the* Adriatick Sea, *at the end of the* Engliſh Selden: *and* Marcuccius *Archbiſhop of* Jadera, *in his ſupplement of the Hiſtory of the* Uſcocchi.

Territory, *becauſe from thence They take their ſuſtenance and defence*; a thing which cannot poſſibly be, unleſs part of it might be *appropriated* in the like manner as the *Land* is, which is divided betwixt *Cities* and *Governments*, not by *equal parts*, nor according to *their greatneſs*; but as They have been, or *are able* to rule, govern, and defend them. *Berne* is not the *greateſt City* of *Switzerland*, and yet it hath as large a *Territory*, as all the reſt of the *Twelve Cantons* put together: And the *City* of *Noremberg* is very great, and yet the *Territories* thereof hardly exceed the *Walls*: And the City of *Venice* for many years was known to be without any poſſeſſion at all upon the *firm land*. Upon the *Sea* likewiſe, certain Cities of great force and valour have poſſeſſed a large quantity thereof, others of little force, have been contented with the *next waters*: Neither are there wanting examples of ſuch, who notwithſtanding they are *Maritime*; yet having fertile Lands lying on the back of them, have been contented therewith, without ever attempting to gain any *Sea-dominion*; Others who being awed by their more *mighty Neighbours*, have been conſtrained to forbear any ſuch attempt; for which two Cauſes, a *City*, notwithſtanding it be *Maritime*, may happen to remain without any *poſſeſſion* of the *Sea*. God hath inſtituted *Principalities*, for the maintenance of *Juſtice*, to the *benefit* of Mankind, which is neceſſary to be executed, as well by *Sea* as by *Land*. S. *Paul* ſaith, That *for this cauſe there were due to Princes Cuſtoms and Contributions*. It would be a great abſurdity to praiſe the *well-governing*, *regulating*, and *defence* of the Land, and to condemn that of the *Sea*: and if the *Sea* in ſome parts for the *ampleneſs* and extream diſtance thereof from the Land, was not poſſible to be *governed* and *protected*, that proceeded from a *diſability* and *defect* in Mankind; as alſo there are *Deſerts* ſo great upon the *Land*, as it is impoſſible to protect them; witneſs the many *Sandy parts* of *Africa*, and the immenſe vaſtities of the *New World*. As it is a gift of *God*, that a *Land* by the *Laws* and *publick power* be ruled, protected and governed, ſo the ſame happens to the *Sea*: And thoſe are deceived by a groſs *equivocation*, who aver, that the *Land*, by reaſon of its *ſtability* might be *ſubjected*, but not the *Sea*, for being

being an *unconſtant Element*, no more then the *Air*; foraſmuch as if They intend by the *Sea* and the *Air*, all the parts of thoſe *fluid Elements*, it is a moſt certain thing, that *They* cannot be brought under *Subjection* and *Government*, becauſe whileſt a man ſerves himſelf with any *one part* of them, the other eſcapes out of *his power*: but this chanceth alſo to *Rivers*, which cannot be detained. But when one is ſaid *to rule over a Sea* or *River*, it is not underſtood of the *Element*, but of the *ſite where they are placed.* The water of the *Adriatick* and *Britiſh Seas* continually runs out thereof, and yet is the *ſame Sea*, as well as the *Tiber*, *Po*, *Rhine*, *Thames* or *Severne*, are the ſame *Rivers* now which *they* were one thouſand years ago. And *this* is that which is *ſubject to Princes* by way of *Protection* and *Government.* If any man ſhould be demanded the Queſtion, *Whether the Sea ſhould be left without any Protection, ſo that any one might do therein well or ill, robbing, ſpoiling, and making it un-navigable?* This would appear ſo *ridiculous* and *uncouth* a *demand*, that all intelligent men would peremptorily deny it: From whence it is eaſie to collect, that the *Sea* ought to be governed by thoſe to whom it moſt properly appertains by the *Divine Diſpoſition*: And if ſo, is it fitting *They* ſhould do it with the expence of their *own Treaſures* and *Blood*, or rather that ſuch ſhould *contribute to it*, who do *equally* enjoy the benefit? To this any man may form a ready anſwer, and ſay that the doctrine of S. *Paul* is clear in the point (not to alledge matter of *Law*) that *ſuch as are under government and protection, are thereby bound to pay cuſtoms and contributions.* Wherefore if the *Republick* be that *Prince* to whom it appertains to *protect* and *govern* the *Adriatick Sea*, it follows neceſſarily, that whoſoever navigates *it*, ought to be ſubject to *their Laws*, in the ſame manner as ſuch are who travail through a Countrey upon *the Land.*

Thus the caſe is argued by the *Venetian Lawyers:* and that *Republick* is ſo jealous of the Dominion of the *Adriatick*, that they would adventure their *totall ſubverſion*, rather then abandon that which *our Diſcourſer* doth ſo ſlight. It is thereby that *Venice* doth principally ſubſiſt; 'tis thence that ſhe derives both

ſtrength

ſtrength and *riches*; and the loſs *whereof* would immediately ruine all *her poſſeſſions* on the *Terra firma*: whereas *that being preſerved*, the *Terra firma* being *loſt* was eaſily *regained*. If the *Dominion of the Sea* be ſuch a *triſle* as this *Politician* of *Lincoln's Inne* doth imagine, What *Fooles* have been the *Emperours* and *Kings* of the world to inſiſt ſo much *thereon?* How ſtrange is it that in ſuch a *Foppery* even Old *Rome*, and *Greece*, *Chriſtendome* and *Turky* ſhould agree? Is it poſſible that *They* ſhould all conſpire to make this a *State-ſecret*, (even the *Hollanders* themſelves in the *Eaſt-Indies*) which is not worth the *regarding?* If it be an *errour*, 'tis almoſt *authenticated* by the conſent of *Nations*; and it ſeemes incredible that ſo *many ages*, amidſt ſuch a *variety* and *diſſonancy* in *Miniſters of State*, ſhould never diſcover the *vanity* thereof, whereby *They* have obliged their *Land-Territories* to a defenſe of the *Sea*, and made *it* a *ſlave* thereunto (as by the *Dane-gilt* each *Hyde* of Land was charged for *Sea-ſervice*) with ſo much *imprudence*. What *Feminine Humour* hath poſſeſſed the *Engliſh* for ſo many *Centuries of yeares*, that they ſhould ſo *rigorouſly* inſiſt upon the *Right* and *Honour of the Flagge?* Nor is it peculiar to *this Nation*, even *France* hath more then once been involved in the *ſame folly*, by Enacting *ſeveral Decrees* for it, and contracting *for it* in their *League* with the *Hollanders* in 1635. And the *Swedes* and *Danes* have likewiſe concerned themſelves about *that point*, (as well as the *Dominion of the Sea*) in 1645. The ſeveral *Sects* in *England* have at *ſundry times* determined *for it*, in continuance of *this uſage* in our *Admiralty:* The *rigid Presbyterians*; the *haughty RUMP*; and the *furious Fifth-Monarchy-men*; and that HYPOCRITE *CROMWELL:* And we ſee from what *Original* the Pentionary *De Wit*, *his abettors* and *Partiſans*, do tranſcribe *their Tenents*. This Nation never *was* guilty of *this Fanaticiſme*, of abandoning the *Dominion of the Seas:* None were ever ſo *ignorant* and unskilled in *Politicks* as to contemne that whereupon the *moſt wiſe* and moſt *potent Nations* have eſtabliſhed *their puiſſance*. If we will not regard the *preſidents* of more *antient times*, let us call to minde the *glorious Reign* of Queen *Elizabeth*. Her great

Joan Palatius *de domin. Maris, l. 1. c. 8.*

Joan. Marquardus, J. Comitus *de jure Mercator. l. 2. c. 5. & 41. &c.* Leo ab Aitzma, *p.* 177. Jo. Loccenius *de jure marit. l. 1. c. 4. & 10.*

Civilian,

Civilian, *Albericus Gentilis*, aſſures me, that *thoſe Empires are but feeble, and lame, which have not the Dominion of the Sea annexed unto that of their Lands: Nay, that the Dominion of the Sea is of ſuch importance, that whoſoever is poſſeſſed thereof, and enſtated therein, may diſpoſe of the Soveraignty at Land as He pleaſeth.* That *Queen* at her firſt coming to the *Throne*, found this *Kingdome* in a farr worſe condition then it is now: the *Popiſh* Intereſt was much more *powerful* in *riches, number* and *nobleſs*: the *Exchequer* very *low*, and the *revenues* of the *Crown* altogether inconſiderable. The *Spaniſh Monarchy* was *then* in its *grandeur*, terrifi'd all *Europe*, and propoſed to its ſelf no *leſs aimes* then thoſe of the *Univerſal Empire*. Sundry *Councils* were formed for the *ſecurity* of *Her Majeſty* amidſt ſo *great hazards* and *difficulties*, and ſeveral projects for advancing the *Royal Revenue*. Amongſt others Dr. *John Dee* (whoſe kindneſs *She* requited with a *viſit* at *Mortlack*, and beſtowed on *him* the *Title* of *Her Mathematician*) being looked upon as a *curious* and *intelligent* perſon, and very much honoured by many of *Her favourites*, communicates a *project* out of the Life of *Pericles* in *Plutarch*, and *Thucydides*, ſhowing that the *onely way for the Queen to be ſecure of Her ſubjects at home, and againſt Her Enemies abroad*, without infuſing any jealouſies into the Heads of Her Subjects, *was to encreaſe Her Fleets to ſuch a conſtant ſtrength, that She might inſtill terror into Her Neighbours, and veneration into thoſe Princes which were more remote from Her Majeſty*; that hereby *She* would multiply *Her Mariners* and *Sea-forces*, (the beſt *offenſive* and *defenſive* ſtrength of *Iſlanders*) encreaſe *Navigation* and *Commerce*, (which would improve the Riches of Her *Cities*, and *Townes*, and raiſe the *Rents* of *Land* (whereby *Her Subjects* would be better enabled to aſſiſt *Her*) and augment the *Crown revenue* by *Cuſtomes* and *Impoſts*: neither would any *Forreign Prince* dare to *tamper with Her Subjects* to Her prejudice, whileſt *She* could awe them by *Her Navy*; nor would *Her Subjects*, however incenſed, dare to make any *Domeſtick Commotions* againſt a perſon ſo *redoubtable abroad*. He urged the Preſident of K. *Edgar*, who, though He were Surnamed the *Peaceable*, did enſure *His tranquillity* by a conſtant *Navy Royal* of 4800 Ships: the which He divided into four Stations, in the four Seas, and thoſe *He* viſited in Perſon every Summer.

Meminerimus etiam, atque etiam, claudum eſſe Imperium, ſi non & maris ſit. Imò Imperium maris imperare terræ quoque. Alberic. Gentilis *diſput. Regal.* 2.

Flores Hiſtoriar. Radulfus *Ceſtrenſis.* Matheus *Weſtmonaſterienſis*

Summer. He inculcated the *Glory* of *Pompey*, whose *Honour* had this for its *principal foundation*, that *He had reſtored to the Romans the Dominion of the Sea.* But above all He preſſed the *adviſe* and example of *Pericles* and the *Athenians*, and by the glory thereof He excited *Her Majeſty* to fix upon the courſe of ſtrengthening *Her Navy Royal.* The *Queen* did embrace the adviſe, and within the compaſs of a *few years*, (not full *four*) Her *reputation* grew great, the *trading* and *tillage* infinitely did encreaſe, *Her Coffers* began to repleniſh, Her Subjects were *rich*, loved and reverenced Her. She was called by Forreigners The *Queen of the Sea*, *the North-Starr*, *the reſtorer of the Naval Glory*: and in 1563 the *Parliament* preſents Her with two Subſidies, the *Clergy* giving one, the *Layety* another, together with two *Tenths* and two *Fifteenths*; and amongſt their reaſons for *this gift*, this is one, *That She had repaired the Fleet*, *and made unexpected preparations for Warr and Navigation.* In 1567 Her renown diffuſed it ſelf into the moſt *Northern* parts; *Ruſſia* Courts *Her* to encreaſe the *Engliſh* Trade thither, a *Muſcovy* Company is founded, and endowed with great Priviledges in *that Kingdome*; the King himſelf, *Vaſilowich*, being ready to put himſelf into the protection of this *famous* and *potent* Princeſs. And the Grand *Seignior* being aſtoniſhed with the exploits of that *Queen* againſt the *Spaniard*, did exhibit ſpecial Honours to the *Engliſh* Embaſſadour at *Conſtantinople*: The Fame She had won by *Her Naval Expeditions* having given Her reputation throughout the World, and *that* procured unto *Her Realmes* tranquillity *at home*, and riches *abroad.* If we enquire into the *felicities* of Her Reign, which had all *their original* from Her regard unto the *Dominion of the Sea*, and the advancement of the *Fiſhing Trade*; you will find a *great encreaſe of Inhabitants*, *new Manufactures* introduced, *Ships* and *Merchandizing* encreaſed, Wealth flowing in ſo that a multitude of *beautiful Palaces* were built, the *Towns* and *Cities* were enlarged, *Plate*, *Jewels*, and *ſumptuous Moveables* were every where in great plenty; great proviſion of *Horſe*, *Armour*,

Cum oram maritimam prædonibus liberaſſet, & Imperium maris populo Romano Reſtituiſſet; Ex Aſiâ, Ponto, Armeniâ, Paphlagonia, Cappadociâ, Ciliciâ, Syriâ, Scythis, Judæis, Albanis, Iberiâ, Inſulâ Cretâ, Baſtarnis: *& ſuper hæc de Regibus Mithridate & Tigrane Triumphavit.* Plinius *nat. Hiſt. l. 7. c. 26.*

Cambden's Elizabeth, *An. Dom.* 1561.

Lord Bacon *in his Anſwer to a* Libell, *publiſhed in* 1592 *c. 7.*

Id. ibidem, c. 2.

Armour, *Weapons*, and *Ordnance of VVar.* In fine, never had the *Engliſh* Merchants ſo much *reſpect* abroad, never ſo great *Privileges*, never ſo *few injuries*, and ſo *ſpeedy reparations*, as under *Her*, that is, under a Prince *POTENT AT SEA*, and *RENOWNED*.

This *recent* and *famous Preſident* of Q. *Elizabeth* ought to add courage unto every *Engliſh* Spirit, and rather excite in them an *Emulation*, then *deſpondency*. The moſt *generous paſſions* are alwayes the moſt *becoming*, and *now* ſuch are abſolutely *neceſſary*; and if we do not *with Gallantry* acquit our ſelves of *this war*, if we do not regain *our Honour*, draw the *Fiſhery* unto *Us*, and break the *Dutch* Trading, I dare turne *Fortune-teller* to the *Engliſh*, and aſſure them, They never ſhall be able to manage *another war*, much leſs have the *ſame opportunities*; Since that *Ireland* is in a *peaceable condition*, and *Scotland* enſured to *us* by the *prudence* and *conduct* of that moderne *Heroe*, the Duke of *Lauderdale*; inſomuch that thoſe *brave Soules* anticipate our *wiſhes*, *They* do not attend *our motions*, but chuſe to *give* rather then expect *noble* examples of *Loyalty*; ſince that *our forreign Plantations* do flouriſh, and our *Trade* at preſent exceeds any that *England* heretofore poſſeſſed, ſince we no longer fear *Spaine*, and can ſay of *His Moſt Chriſtian Majeſty*, This *potent King* is our *Ally*: Our circumſtances are much better then thoſe we were in at the beginning of Q. *Elizabeth*'s Raigne: and it will add to the *ignominy* of this Age, that a *VVoman* ſhould dare to attempt greater things then *Men* dare to *imagine now*. We are not to *build ſhips*; the *care*, *vigilance*, and *indefatigable induſtry* of His Majeſty hath prevented *us* in that *important point*; Our *Coyne* is not *imbaſed* as in thoſe dayes, nor our *City* ſo poor that *Six thouſand pounds* ſhould be the *greateſt ſum*, with the *Loan* whereof the neceſſities of *our Prince* may be ſupplyed. *England* hath been oftentimes in a lower condition then it is at preſent: as in the end of the Reign of King *Henry* VIII: In the days of K. *Edward* VI. the *Commons* were conſtrained to ſupply the *Kings wants* by a Taxe of *Sheep Cloaths*, *Goods*, *Debts*, &c. for three years. We are not ſo *weak* as we conceit our *ſelves*; we are troubled with the *Spleen*, and therefore phanſy our ſelves ſo *crazy* that we are continually *dying*, or Metamorphoſed into *Glaſs*: We delude our ſelves into *timerouſneſs*, and think it

Stat. de an. 2 & 3 Ed. 6. c. 36.

to be *caution* and *Sagacity*: We quit the moſt *pleaſant* paſſion for the moſt *vexatious*, Hope for fear: this *laſt* is the *worſt of Councillors*, and therefore 'tis not to be wondered if ſo many *at this time* do form unto themſelves a wrong *Idea* of things, whilſt the *Advice* hath its original *hence*. Calamities are *Calamities* when they doe befall us, why do we anticipate them, and make our ſelves *really* unhappy under *imaginary evils?* The *timorous* Languiſheth already under all the *evils* that He apprehends; a thouſand whereof *in courſe of nature* will never enſue. But *Hope* is the great *condiment* of humane life, the great *ſupport* of the *diſtreſſed*, the great *Spurr* unto the *generous* and *valiant*: Hope, though *irrational* and *ill-grounded*, or erected upon *weak foundations*, hath gained *Victories*, ſubdued *Empires*, avoided *dangers* and *diſtreſſes*, which were impoſſible unto Men *exceſsively cautious*. I tell you, *O moſt courageous Engliſh*, that *diſtreſs* and *poverty* are not the way to *ruine*, but *univerſal Empire*; and the *miſerable* have atchieved greater things then the *Rich* and *Luxurious*. Are you ſo wretchedly *poor* and *weak*, who have a *greater ſtock* left then *Rome* had to erect its Empire upon? Enquire into the conqueſts of *Sparta*, *Athens*, *Venice*,, and thoſe others *your predeceſſors* who claim of a *Dominion over the Seas*; conſider the progreſs of the *Macedonians*, *Goths*, *Saracens*, or more modern *Swedes*; You are in a *better condition* (and yet deſpair) then *they* when *they began*. But that the declination of antient *Learning* hath bereaved *us* of the knowledge of *former times*, Old *Rome*, and old *England*, afford us no Examples of *deſpondency*: Thoſe *Annals* ſuggeſt unto us nothing but what is *Great* and *Brave*, and fit for our *Imitation*: But we are degenerated from the School of *Ariſtotle* to that of *Epicurus*, from all *Moral Gallantry* and *Virtue*, to a moſt *impertinent* and *effeminate Virtuoſity*. Renowned *Pericles* told the *Athenians* that if they were *Iſlanders*, and had a *potent Fleet* they would be *invincible*. We are poſſeſſed of both theſe qualifications, by the *Goodneſs of God*, and Prudence of *our King*, and yet abandon our ſelves unto *Deſpair*; and even that *paſſion* which uſually produceth the *greateſt efforts of Valour*, hath not that *operation* on our minds, which were to be deſired. To imbolden us a little more, Let us conſider that the moſt *difficult part* of our work is overcome; the *puiſſance* of the *Dutch*, and

the

the *opinion* thereof, is in a manner *extinct*: It cannot require above *one years proviſion* to compleat and enſure the *happineſs* and *proſperity* of *England*: Their own *wants* and *neceſſities* will enforce their *Fiſhermen* to ſettle here for a *ſubſiſtance*, and that one *Trade* is more to be *valued* than ten *East-India* Fleets. This year *They* are deprived of it by the *wiſdom* and *prudence* of *His Royal Highneſs*, whoſe courage not the moſt *dreadful battails*, nor more terrible *Storms* and *Tempeſts* can deject or *intimidate*. This, together with the domeſtick diſtreſſes of *Their States*, muſt diſtract and break the *Trade* and *Correſpondences* of *Holland* in all parts of *Europe*, and transfer them to the *Engliſh*, if we do not neglect the *opportunity*. A potent *Fleet* is the *leaſt charge*, and the *beſt ſecurity* of theſe *Realms*: It carries an univerſal *awe* and *terrour* with it. I read it in the *Inſtructions* of *Pius* V. to his *Nuncio* who negotiated in *Spain* for a League againſt the *Turks*. *In ſomma un' armata potente allegeriſce le ſpeſe, & aſſicura d'ogni periculo caſa ſua, & porta gran ſperanza d' acquiſto in caſa d' altri, & congiunge le Provincie lontane, & le loro forze, quaſi come un ponte, & l'hiſtorie antiche, & moderne demoſtrano la prova.* A powerful Navy doth diminiſh the expence of a Realm, ſecures the Territories at home, carries terror every where, and gives hopes unto Foreign Conqueſts; it unites the ſtrength and force of diſtant Provinces, as it were by a Bridge; as Ancient and Modern Hiſtories teſtifie. This is the old *policy* of *England*; and *Edward* IIII. armed out 400 ſhips. *Henry* V. provided above 200 great ſhips againſt *France* in 1418. *Henry* VII. *Henry* VIII. never kept fewer than 100. able *Men of War* with Men and Munition, even in times of *Peace*. The ſame courſes were purſued by Q. *Elizabeth*, at the inſtigation of Dr. *Dee*, whoſe Propoſals for a *facile* maintenance thereof, 'twould be too long to inſert here: But I dare ſay, *If we duly aſſert our Dominion of the Sea, a conſtant and potent Fleet will be no charge to the Nation; whereas to maintain 40 or 50 only, will in time undo us.* The *Sea-men* are our *Legionaries*, our *Janizaries*, and *Mammelucks*: There is not any *Fund* or *Bank* for the *Engliſh* to adventure *their Money in*, but a *good Navy* well ſupplied: *Security* and *Riches* are the natural reſult of *theſe Councils*; and all *other projects* for the

Philippus Honorius. *Praxis prudentiæ Politicæ* pag. 466.

Ibid. pag. 202.

advance-

advancement of Trade, or *improvement of Lands*, are in a manner *inutile*. This is the *true Treaſury* of S. *Marc*, whereby *Venice* ſubſiſts: All the *Glory* and *Riches* which *England* did enjoy *during this laſt Century* were but a conſequent of *theſe Adviſes*. There are two flouriſhing Cities in *Italy*, *Venice* and *Genoa*, yet betwixt them there is *this diſparity*, that *Venice* far ſurpaſſeth the *other*: and the reaſon thereof is this: The *Venetians* have alwayes had an eſpecial regard unto the *Publick Honour* and *Naval Strength* (each private perſon eſteeming of *his Welfare* and *Riches*, by the *Greatneſs* and *Puiſſance* of the *Common-wealth*) but in *Genoa* each man minds his *particular intereſt* and *advantage*, without any regard to the *dignity* or *opulency* of the *State*: whereby the *Publick Revennes* are *ſmall*, their *ſtrength* inconſiderable; and the *Seigniory* liable to the invaſion of *every Neighbour*. It is indeed manifeſt, that there will happen *ſome times* when a *regard to the State* may prove inconſiſtent with the *immediate* profit of *private perſons*: ſuch caſes we read of in *all Governments*, eſpecially of *Rome*, *Athens*, and *Conſtantinople*: but if we examine the *events* of affairs, the *former* preſerved themſelves by complying with the *more general concernments*, by the neglect whereof the other *loſt themſelves*, and became a prey unto the *Turks*. Of two evils the leaſt is to be choſen, and that is the leaſt, not which is accompanied with the greateſt inconveniences *at preſent*, but which occaſions the greateſt dammage *for the future*. Wherefore it becomes *prudent perſons* to attend unto *both theſe caſes*. For as in *Arithmetick* one *great ſum* doth prove much leſs then many *ſmaller accompts* put together and added to the *firſt*: So in the *Government* of a *State*, that which ſeems a very *great evil* at the *firſt view*, may *judiciouſly* be ſubmitted unto, if the *contempt* thereof be *probably* accompanied with *greater* and *irreparable* detriments. Beſides that a *very great prejudice*, if the effects thereof be of *no long continuance*, is to be choſen before a *leſs* but *everlaſting miſery*.

Diſquiſit. Politic. caſ. 19.

Ibid. Diſquiſit. 41.

Let us then peaceably acquieſce in *thoſe Counſils* which *Prudence* it ſelf ſeems to have dictated, and whence we derive our preſent *tranquillity*, and an hopeful proſpect of *future Strength* and *Riches*. Let *us* not aſperſe *our Superiors* with *Calumnies*, to their great *diſcouragement*, and the *diſtraction* of

the

the *Realms*. Let us think *better of them*, and *more meanly of our ſelves*. There is not any *Peſt* ſo dangerous to a *State*, as that of declaiming againſt *Men in Authority*: I need not urge the deſtruction of the *Florentine Republick*, which was ruinated thereby: we may remember what did precede our Wars, and was the conſequent of thoſe *ſpecious* pretexts of *bringing Delinquents to Tryal*; and how fatal was the Denomination of *Malignants*. No *Ruler*, no *Miniſter of State* could ever pleaſe *all people*; and ſome have valued *themſelves* and *their Counſils* by a repugnancy to the *populace*. If we will conſult the Preſidents of *Rome*, we ſhall find it to have been a part of their *Civil prudence*, rather to *paſs by*, then *puniſh* the failors of their *Magiſtrates*; and to have had that regard unto *Authority*, that thoſe who had either *voluntarily* miſ-employed *their power*, received but *gentle puniſhments*; and ſuch as had miſcarried through *ignorance* were appaied with Honours and Rewards. They did imagine that *publick affairs* were accompanied with ſo much of Solicitude, ſo great difficulties, that 'twas *imprudence* to augment the cares of *their Governors* with *new terrors* and additional conſiderations of their *perſonal hazards*, if they miſcarried in *their Counſils*, or *Tranſactions*: And certainly thoſe Men create a very ill preſident againſt themſelves who inſtruct the *giddy multitude* in complaints againſt their *Governors*. If there be any *rumours* of this nature diffuſed through the nation, be they *well* or *ill-grounded*, they are *unſeaſonable*, and all *wiſe Men* ought to *ſtifle them* as far as they can poſſible. All private *animoſities*, and *injuries* ought to be *forgotten* out of a reſpect to the *general welfare*. Not onely *Rome*, and *Greece*, but alſo the *Barbarians* have celebrated thoſe who have relinquiſhed their *domeſtick concernes* and *feuds*, the better to ſerve *their Countrey*. Thus *Themiſtocles* and *Ariſtides* being joyn'd in an *Embaſſy*, agreed to lay aſide all particular quarrels betwixt *them*, untill *their returns*. And I cannot but recommend unto *Chriſtians* the example of the *Chriſtian* Emperour *Conſtantine*: Several People reſorted unto Him with *Remonſtrances* and *Complaints*; the Emperour commanded them all to bring in before Him on a certain day all their *Libels* and *Petitions*, that He might take cognizance thereof: Which being done, He aroſe up, and having with a grave Speech reproved them for retarding the *publick buſineſs and concernments* by

Machiavel. *diſcurſ. l.* 1. *c.* 8.

id. ibid. c. 31.

private

Private *quarrels* and *remonſtrances*, He caſt them all into the *fire*, without vouchſafing to *read thoſe* Papers which were likely to *embroile*, not amend His Affaires. That *Nicene Council* which we all *reverence*, did admire and magnifie *this conduct*, and by *their Authority* do I propoſe it to the imitation of *our Parliaments*; though the conſiderations of the *diſtracted* and *forlorne* condition wherein the *late-united Provinces*, and the Kingdome of *Poland* now ſuffer, are more immediate Objects to convince *this Age*, How *unſeaſonable* and *dangerous* an attempt it is for *Inferiours* to foment even juſt *quarrels* or *reſentments* againſt *their Superiours*, much more *to revile and perſecute them with unjuſt calumnies, idle ſuggeſtions, and frivolous ſurmiſes*, whileſt the *approach*, or *attack* of a moſt *puiſſant Enemy*, or a *ſuſpicious Neighbour* doth oblige us to purſue the more *ſecure courſes*.

An APOLOGY, &c.

WE cannot but with *ſome reſentments* behold thoſe, who, after that *gracious Act* not only for *our Indemnity*, but the *utter Oblivion of our defaults*, continue to upbraid *Us*, and *unſeaſonably* to foment thoſe *differences* amongſt the *Engliſh*, which the moſt *Heroical Example*, *Authority*, *Prudence* and *Charity* of his *Sacred Majeſty* hath ſo *ſtudiouſly* and *wiſely* endeavoured to extinguiſh. We are all promiſcuouſly twiſted together by *mutual affinity*, *relations*, and *common Intereſt*, ſubjected equally to the *ſame Prince*, and Natives of the *ſame Realms*, and *we* do heartily deſire that *we* may be looked upon as *Brethren*, under which *Civil conſideration* we do regard our other *Fellow-Subjects*. We profeſs to retain *no other* Memory of our *former quarrels*, then what endeareth *us* to the *ſervice* of his Majeſty, by imprinting in *us* a ſenſe of thoſe *dangers* which ariſe from *miſinterpretations* of *State-Affairs*, vain *jealouſies* and *imaginations* of *remote* and *forreign conſequences* which may happen, *God knows when*, from ſuch *grounds* and *principles* as *popular brains* do rather *phanſie to themſelves*, then *really comprehend*: We do *experimentally* know upon what *ſpecious pretences* the *vindicative* and *Ambitious* ſpirits do contrive their *ſiniſter and wicked deſigns* to the *publick detriment*, and the great abuſe of *well-meaning* perſons: And we have been ſo often *betrayed*, and ſuffered ſo much *hereupon*, that they muſt be ſtrangely *prepoſſeſſed*, who think us not *impregnable* againſt any *ſuggeſtions* or attempts of *that nature*. We are infinitely ſenſible of the *Clemency*, which our *King* expreſſed to *us* in his *Act of Grace*; and we think *He* hath *compleated* his Royal favour towards us by the late *Declaration for ſuſpending the penal Laws* in reference to *All Non-conformiſts*: It is our *unhappineſs* to diſſent from the *doctrine* and *diſcipline* of that *Church* to which his Majeſty doth adhere: but ſince *we* continue *to do ſo* rather out of *Zeal* for the *ſuppoſed Truth*, then *Faction* againſt *His Majeſty*, and purſue *ſpiritual* not *temporal* advantages thereby; It is evident, that the *Civil Government* can receive no prejudice *by ſuch toleration of us*, It may receive *much acceſſional ſtrength* from the continuance of ſo *numerous parties*, and perhaps (if we may credit *great Politicians*) ſome *ſecurity* from the ſo-much-*exclaimed* againſt *diverſity* thereof; ſince it is apparent that whereſoever there happen to be in any *Realm* potent *factions*, and ſuch as the *ſupream Authority* cannot well extirpate, 'tis much more *ſafe*, for the *general peace*, that *diſſentions* remain under many *entire* and *leſſer* parties, then be reduced to a *narrower* compaſs; And the *Prince* is beſt ſerved, whilſt each *party* diſtinctly *courts* and ſtrives to merit his *eſteem* and *affection*. Such like *inſinuations* have heretofore been made by ſuch as the world valued for *policy*; but we requeſt not any benefit *therefrom*, but upon the regards of *Piety*, deſiring to ſerve the *ſame God*, and *pray* for the *ſame Soveraign* under our *ſeveral forms of worſhip*. How zealouſly the *Fathers* juſtifie the

Alberic. Gentilis de jure belli, l. 1. c. 9. *Clapmar.* de arcan. reip. l. 4. c. 21. *Machiavell.* diſput. l. 1. c. 4.

Daillé de usu patrum, l. 2. c. 6. Chillingworth against Knot. ch. 5. Sect. 96.

present *Declaration* of his Majesty, it is a thing well known to the Learned; and Mr. *Chillingworth* (a Book licensed by the greatest *Episcoparians*, and reprinted under no *less Authority* since his Majesties return) doth make a large *harangue* in the behalf of it: And if to impose upon men the *profession* of what they *do not believe*, seem the most ready way to *Atheism*, and if *Atheism* be much more pernicious to Government then *Superstition*, the late procedure of his Majesty is authorized by the most *prudential documents*: and we do heartily wish that the *reign* of his Majesty may be as *prosperous* and as *glorious* as was that of *Constantine*, *Valentinian*, *Theodosius*, &c. who are the *illustrious presidents* in this way of *Royal clemency*.

Albericus Gentilis de jure belli, l. 1. c. 9.

It is most certain that nothing did more inbolden the *Dutch* in their insolences against his Majesty and the *English* Nation, then the opinion they had that *we* being subjected to the rigour of the *penal Laws*, must needs be thereupon discontented with the present Government, and inclined to favour *them* during the war. But how cogent soever were *those motives* which made us desire *greater indulgence*, we have *not so learned Christ* as thereupon to become *rebels* and enemies to our *native Country*: Neither should ever *De Witte* by his *artifices* and *sophisms* convince us of the equity of *their Cause*, who in the heighth of *religious extravagancies*, and *fanaticism*, did so vigorously assert those *English rights*, in the defense of which *His Majesty* is now embarked.

We are not at all concerned in favour of the *Dutch*, because *They profess the same Protestant Religion, which the* English *adhere unto*. It is most certain that the sense of *Religion* doth not extinguish *Civil rights*; neither ought *Injuries* therefore to be *tolerated*, because the *Authors* are *Protestants*: No Judge, no man regards the *Effusion of Christian blood*, when a *cut-purse*, or a *Robber* is to be *put to death*: we consider *here* the *demeanour*, not the *Creed* of the *criminals*, and *injurious*. The *Dutch* pressed *us* with such Arguments as *these*, when they had *in vain* assaulted *our Fleet* in the *Downs*, *A. D.* 1652. They *harangued* unto us by their Embassadour *Adrian Pauw* about the *Interest of Protestancy* in general, and the mutual regards that ought to be betwixt Nations avowing the same *Reformed and Orthodox Religion*: But the *Council of State* then would not be amused *with such expressions*, nor relinquish thereupon the *Rights* and *Honour* of *England*: They challenged the *Right of the Flag*, as *anciently* and *indubitably* appertaining to *this Nation*: and esteemed that *no trivial Ceremony*, but so *important a matter* as to bottom the Quarrel, and pursue the War *thereupon*. We did not look upon the thing as a *Civility*, which 'twas *indifferent*, if payed, or omitted: but beheld it as *Land-lords* do those *small acknowledgments* of a *Capon*, or *Pepper-corn*, by which their *Tenants* hold *their Lands*: We esteemed it such a *Ceremony* as whereby we preserved our Title to the *Dominion* and *Sovereignty* of the *Brittish Seas*, the which *Seas* if we, *like Prodigals*, do not improve to *all Advantages*; yet *we* would not bereave *our Posterity* of their *Right to do it*: We said, 'twas a *Right* which *All Princes* and *States*, even those of *Holland*, and their *Ancestours*, had allowed to belong unto *England*; that a long

See the *Oration* and *Memorials* printed with the *Declaration of War*, 1652.

See the *Declaration*, and *Answers* of the *Council of State*, 1652.

Usage

Usage and *Preſcription* (which 'twas eaſie to deduce out of *Authent'ck records*) had confirmed unto *us*. The *Dutch* were not *then* ſo *inſolent* as to demand of *us* any *Declaration*, that we pretended not *thereby* to the *Dominion of the Brittiſh Seas*; but *we* know very well that *Our Soveraignty over thoſe Seas* was ſuſpended thereupon, and that they did not refuſe *the Flag* but that they might *deprive us* of, and uſurp to themſelves *the other*. The *Dutch* then were not ſo *impudent* as openly to juſtifie their *Admiral*, and other *Captains* which refuſed to ſhew that *Obeiſance*; They did not *commiſſionate* them to *deny it*, but intimated to *them* their *diſpleaſure at it*, whilſt they *publickly* avowed, That *they had ordained them to continue thoſe civilities and teſtimonies of affection which were uſual upon any rancounter with the Engliſh Men of War*. Their *Pride* was not become ſo *extravagant* as of late it ſhewed it ſelf againſt *His Majeſty*, and yet *we* thought fit to abate it *then*, and therefore *we* cannot be juſtly ſuſpected to be *averſe from this quarrel*; All *our* claim, All *our* preſcription was deduced from *Crowned Heads*, and *we* do not imagine the Rights of *England* to be *leſſened*, becauſe that *His Majeſty* doth ſway the *Brittiſh* Sceptre. *We* proſecuted *that War* with ſo much *courage* and conduct, that *our valour* amazed the whole world, until the atchievements of his *Royal Highneſs* did give Men greater occaſions *for wonder*: And what we demanded by way of *Treaty* this Article will atteſt.

Adrian Paauw in his *Memorial* tendered to the *Counſil of State* ibid.

ARTIC. XV.

" That the Ships and Veſſels of the ſaid United Provinces, as well " Men of War, as others, be they *ſingle Ships*, or *in Fleets*, meeting " at Sea with *any* of the Ships of War of this State of *England*, or " in their Service and wearing the *Flag*, ſhall ſtrike the *Flag* and " lower their *Topſail* until they be paſſed by, and ſhall likewiſe ſub- " mit themſelves to be viſited if thereto required, and perform all " other reſpects due to the ſaid Common-wealth of *England*, to whom " the Dominion and Soveraignty of the Brittiſh Seas belong.

MSS. Commentar. of the *Treaty* and *Articles* betwixt the *Engliſh* and *Dutch* in 1653.

Leo ab Aitzma hiſt. tract. pacis Belgicæ. p. 841.

This was one of the *Articles* delivered to their *four Embaſſadors*, *Novemb.* 18. 1653. And the *pretended Common-wealth* did ſo peremptorily inſiſt *thereon*, that without the *Solemn declaration* and *acknowledgment of the Engliſh Soveraignty over the Brittiſh Seas*, they could not any way treat with the *Hollanders*. And it is well known to thoſe which were commiſſioned to treat with *their Embaſſadours* (I had this relation from Sir *Robert Reynolds*, who was one of *them*) that the ſaid *Embaſſadours* (being introduced and recommended to *their pitty* by *Hugh Peters*) did offer to the *ſeveral Commiſſioners*, that the *States General* ſhould by a *publick deed* acknowledge that *The Dominion and Soveraignty of the Brittiſh Seas did belong unto the* [pretended] *Common-wealth of England*: and that *Thus much* ſhould be expreſſed in the *ſeveral Commiſſions* and *Inſtructions* iſſuing out of *their Admiralties*, and Their Ships *upon this account, avowedly*, to ſtrike the Flag and lower *their Topſail*. *We* ſo much the more inſiſted *thereon*, becauſe we knew the *uſual evaſions* of the *Dutch* would otherwiſe reduce affairs to a *ſecond diſpute*, if ever *They* recollected their ſtrength. We wonder

De mari, & piſcatione mentio fuit: de iis ante omnia convenendum, &c. *Leo ab Aitzma* p. 845.

that They ſhould ſo far obliterate in their minds all ſenſe of the *reſpect* due to *Crowned Heads* above the *Republicks*; and ſo extreamly forget what they owe to his *Royal Anceſtours*, as to entreat His Majeſty ſo uncivilly in *this caſe*, whereas in *June* 1652. after their Fleet had been repulſed by *Blake*, to appeaſe *Us*, They of their *own accord*, did declare by the Lord *Adrian Paauw*, that *The States General had no intention to leſſen the Honour and Dignity of the Parliament of the Commonwealth of England; but that They had given command heretofore, and alſo ſince the late unhappy Accident, New Order, That upon meetings and ſalutings of the Fleets or Ships of War, concerning the ſtriking down of the Flag, and what belong to it, there ſhould be the ſame Honour done to the Parliament of the Common-wealth of* England, *as was formerly done during the other Government.* We cannot but wonder that *They* ſhould be ſo ready *then* to exhibit *thoſe Honours* to ſuch as they were *not due* unto, and now refuſe to pay *them* when *they are due* by an *immemorial cuſtome*, which *They* cannot plead *ignorance* to; The Rights of the *Crown* of *England*, being the *baſis* of the *Parlamentary pretenſions*; and the *meaſures* for the adjuſting *thoſe Honours* were taken from *what had been done during the Monarchy of England.*

This is expreſſed in his *Memorial* given in to the *Council of State*, and printed with the *Declaration.*

MSS. Comment.

To the *Article* aforeſaid, as it is *worded*, their Embaſſadours *Nov.* 22. 1653. did not make any exception, either as to the *ſtriking of the Flag*, or *Soveraignty of the Sea*; but they proteſted *againſt the viſiting of their Ships*, as *repugnant to* the *practiſe of their Country*, and *ſubject to a thouſand diſorders and diſputes*, and *injuries to their State*; beſides, the *viſiting* is not to be *reciprocal.* Whereupon *Cromwel*, in the name of the *Commiſſioners* replyed, That *the ſearching of their Ships was no new thing*; *but an undoubted right which naturally followed from the Soveraignty of the Sea, the which did appertain to* England: *It was likewiſe an efflux of the ſame dominion, for the* Engliſh *to preſcribe unto them, with what number of Ships of War they ſhould paſs the Britiſh Seas*: That they ought to be much more *zealous* now for the aſſerting the ſaid *ancient dominion of the Sea* in all its branches; becauſe it had been ſo *lately*, and ſo *notoriouſly*, diſputed and invaded. And whereas the *Embaſſadours* had ſomewhat *boaſtingly* ſaid in their *Memorial*, that *Their people were of ſuch Generoſity that they would never endure ſuch Terms*: To this *Cromwel* ſaid he would reply no more, Then *that we were Engliſh-men, and had not loſt our Courage.*

Leo *ab Aitzma*, p. 847.

Viſitationem navium dicebat eſſe rem minimè novam, ſed jus indubitatum dependens à Supremitate Dominii in mare, Anglis competente. Ius adeo antiquum, quàm ullum in Europâ ab aliquo aliud protenſum. Numerum Navium *non eſſe niſi juris iſtius ſequelam, quam nunc magis quàm unquam debebant conſervare; cupidi quippe antiquas protegere prærogativas, novis injuriis læſas.* Leo ab Aitzma, p. 848.

After this the *Embaſſadours* came to be more calm, and *Dec.* 23. 1653. gave in a particular Anſwer to the *Articles* exhibited: and as to *this*, They *deſired* it might be extended in this manner.

MSS. Comment.

" That the Ships and Veſſels of the United Provinces, as well Men " of War, as others, meeting with *any* of the Ships of War of the " State of *England*, ſhall honour and dignifie them with the ſtriking " of the Flag, and lowering the Topſail in ſuch a manner as ever " under any form of Government in times paſt they have been ho- " noured and dignified: and to prevent all quarrels for the future, " the particulars thereof ſhall be regulated by the adviſe of the Ge- " nerals and Commanders.

But

But hereunto the *Council of State* would not aſſent, being reſolved to have the *Dominion of the Sea* recognized by them: And the *Embaſſadours* did at laſt reſolve to comply with *them* in *that demand, beſeeching* them that *they would mitigate the other Articles*: But *Cromwel* having depoſed firſt that *pretended Parliament*, and then the *Council of State*, to ingratiate himſelf with *them*, and ſecure his *uſurpations* the better, He conſented *Decemb.* 26. 1653. That the *Article* ſhould run thus.

" That the Ships and Veſſels of the United Provinces, as well Men " of War, as others, meeting with any of the Ships of War of the " State of *England*, ſhall ſtrike their Flag, and lower their Top- " ſail. *MSS. Comment.*

The *Embaſſadours* hereupon *Decemb.* 28. 1653. moved That *it might be limited within the* Narrow Seas, *which commonly are called the* Britiſh Seas, *and by a ſpecial Order it may be regulated with a diſtinction of places and ſhores in ſuch a manner*, That *the ſame honour and dignity of ſtriking the Flag and lowering the Topſail, be obſerved for the future, as in time paſt under the* former Government *it hath been obſerved.*

On the ſame day *Cromwel* returned them this Anſwer, that *For the inſerting of thoſe words, the* Britiſh Seas, *He did adhere thereto*: but it *ſeems* He thought it a *Diminution of his Glory*, to have the *reſpects payed to his Highneſs* compared with thoſe which were uſual to the *former Kings of England*: Whereupon the *Embaſſadours* rejoyn: That *the words (In ſuch a manner as it hath been obſerved in times paſt under any former Government) derogate nothing from the State or Nation; but are neceſſary for* them *to juſtifie it to their Superiors and People, ſuppoſing it to be no Novelty.* *Ibid.*

By theſe degrees was the *Thirteenth Article* of the Treaty betwixt *Cromwel* and the *Dutch*, modelled into what is printed in *Aitzma*: And thence it was tranſcribed into the *Tenth Article* of the *Engliſh* League made at *White-hall Sept.* 14. 1662. and afterwards into the *Nineteenth Article* at *Breda*. In the management hereof we may obſerve, that *Cromwel* the better to enſure himſelf againſt his *forreign* and *domeſtick Enemies*, did rather leave *untouched* and *undecided* the *Soveraignty of the Seas*, then relinquiſh the *Right*: Secondly by the *Britiſh Seas* in the *Article* about the *Flag*, are meant the *Four Seas*, and not the *Channel* only. Which is evident hereby, in that *Art.* 3. He doth not diſtinguiſh the *Britiſh Sea* from the *North-Sea*, as in the *Seventh Article* of the *Treaty* of *Breda*; but includes the *North Sea* in the *Britiſh Seas*, where He mentions *depredations* happening *twelve dayes* after the *Peace* being *ſigned*. It is alſo to be remarked that the pretended *Common-wealth* did explain what *They* meant by the *Britiſh Seas*.

ARTIC. XIV.

" That the Inhabitants and Subjects of the United Provinces may " with Their Ships and Veſſels furniſhed as *Merchant-men* freely uſe " their navigation, ſail, paſs and repaſs *in the Seas of great Brittain*, " *and Ireland, and the Iſles within the ſame*, (commonly called the " *Britiſh*

This Article *Cromwel* in the name of the *Council of State* told them was a genuine result of the *Dominion of the Sea*; that They were *Soveraigns of the Brittish Seas*, and should be very unwilling to understand that any Fleet of 70 or 80 Men of war should come into their *Seas*, *Rivers*, or *Harbours*, without giving any notice *before* of their coming. *Leo ab Aitzma*, p. 850.

" *Brittish Seas)* without any wrong or injury to be offered them by " the Ships or People of this Common-wealth, but on the contrary " shall be treated with all Love and friendly offices. And may like- " wise with their Men of War, *not exceeding such a number as shall be* " *agreed upon in this Treaty*, sail, pass and repass thorough the said " Seas to and from the Countreys and Ports beyond them. But in " case the *States General* shall have occasion to pass the said Seas *with* " *a great number of Ships of War*, they shall give three months notice " of their intentions to the said Common-wealth, and obtain their " consent for the passing of *such a Fleet*, for preventing all jealousies " and misunderstandings betwixt the States by means there- " of.

This therefore, being the *notion* of those times, must contain the sense of *Cromwel*; and we wonder that the *Considerer* should offer to intimate as if because the *Article* had been varied in the *words*, as aforesaid, that therefore *it* was *suited to his sense*: No less strange is it, that *He* should expound the *intentions of his Majesty* by the privacy of *Cromwel's* Conclave, and not according to the *true*, *legal* and *known* import of the *words*. We add, that if He found in our *ordinary Maps* the *Channel*, and *Brittish Sea*, as *equipollent* and *Synonymous* terms; yet He never found the *Channel* to be called the *Brittish Seas*: and therefore that allegation is most *impertinent*, and *fallacious*; And He must seek to the *common vogue* for a more *authentick* explication *thereof*. As little doth it avail *Him* to find in the *Seventh Article* a distinction betwixt the *Brittish Sea* and *North Sea*; for, seeing that the *Number* is varied, 'tis most certain the *Sense* is also. However it is a Rule in the Civil Law, *Dubitationis gratia quæ apponuntur, nocere non præsumuntur*. Such clauses or words as are put in to *prevent disputes*, ought not to *occasion any*, or *prejudice the inserter*. Surely *Pride*, or *Passion* transported the *Considerer* beyond *his reason*, when He esteemed that Objection *invincible*; as it did beyond *Truth*, when *He* distinguished betwixt *Fleets* and *Ships*: and made *Cromwel* to do so too; of which there is not the *least appearance*, to our knowledge.

Philippus Decius *de reg. juris. Reg. 81. Qua dubitationis tollenda causâ contractibus inseruntur: jus commune non ladunt.*

How willing soever the *Dutch* were to acknowledge the *Rights* of *England* as to the *Dominion of the Brittish Seas*, and *Flag*; They still insisted upon the *Freedom to fish* without *License*, or *Letters of Safe-conduct*. This they proposed in a *draught of Articles* tendered by *them* to Mr. *St. Johns*, and after to the *Council of State*. But the pretended *Common-wealth* refused absolutely to assent *thereunto*; nor would *They* admit of any Treaty with the *Dutch*, except they would first acknowledge The *English Soveraignty of those Seas*, and contract for the *Liberty of Fishing*. The Article which *They* imposed was this.

Leo ab Aitzma pag. 755.

Leo ab Aitzma p. 845.

ARTIC. XVII.

" The people and inhabitants of the said *United Provinces* of what " condition or quality soever *They* be, shall with their *Busses* and o- " ther Vessels fitted for that purpose, have liberty from time to time, " for the term of one and twenty years next coming, to sail and fish

MSS. Comment. Leo ab Aitzma p. 841.

" as

" as well for *Herrings* as all other ſort of Fiſh, great and ſmall, upon " any the Coaſts and Seas of *Great Britain*, and *Ireland*, and the reſt " of the *Iſles adjacent*, where, and in ſuch manner as they have been " *formerly permitted to fiſh*. In conſideration whereof the *States Ge-* " *neral* ſhall, during that Terme, pay into the publick Treaſury of " this Commonwealth at the City of *London* the ſum of———— The ſum was not " at two equal payments upon every twenty fourth day of *June*, and adjuſted in the " twenty fourth day of *December*. The firſt payment to begin on Treaty at firſt, but " the twenty fourth day of *June* next. they intended one hundred thouſand pounds, beſides paiment for conſtant Waſters, or Convoyes.

Hereunto the *Dutch* excepted; That *by the taking of ſuch a Leaſe for the Fiſhing, the States General ſhould be put out of an Immemorial poſſeſſion without Cauſe or Reaſon: Having alwayes enjoyed the freedom of Fiſhing. As they were ready to prove by an ample deduction of Arguments and Evidences. And inſtead of this Article, They thought it reaſonable to urge* MSS. Comment. *the Fourteenth Article of the Treaty called* Intercurſus Magnus, A. D. Leo ab Aitzma p. 347. 1495. *viz.* " That the people and Inhabitants of either State, of " what condition or quality ſoever they be, ſhall freely without any " moleſtation, ſafe-guard or paſs, ſail and fiſh every where at Sea. The Council of State were very angry at this *plea* of the *Embaſſadours*; and told *them*, that *They wondred with what confidence the* States General *could pretend to an Immemorial poſſeſſion of the Fiſhery, ſeeing that the time was not yet Immemorial, ſince They firſt were owned to be* Free States: *If, according to the Civil Law, we allow an* 100 *years as a juſt preſcription, yet was it not ſo long ſince their Anceſtours firſt poſſeſſed themſelves of the Brill*, A.D. 1572. That *the time wherein they fiſhed as Subjects of the Houſe of* Burgundy (by vertue of a League made betwixt *England* and thoſe *Dukes*) *did not eſtabliſh an Immemorial poſſeſſion, or preſcription in favour of the* States General. *That, ſince the Fiſhery was held by the Subjects of* Burgundy, *and they exempted from the paying for Licenſes and Convoyes onely by vertue of a Treaty; Nothing was more manifeſt than the Immemorial Right of the* Engliſh, *whereby before that Treaty they did exact many for Licenſes and Convoyes:* That *what was held by League did expire with the ſaid League:* That *this League of Intercourſe was expired upon the ſubſequent Wars betwixt* Qu. Elizabeth *and the Crown of* Spain: *and had never been confirmed again ſince that time:* That *the* Dutch *could not claim any Liberty by vertue of that League now*; partly *becauſe the Alterations of the Government in the* Netherlands, *and other accidents have deprived the* Engliſh *of thoſe great benefits which accrued to them by that Treaty*, and *in conſideration whereof it was aſſented unto by them; and conſequently, It was lawful and juſt for them to reſume their Right of the Fiſhery: and that the Effect ſhould ceaſe with its final Cauſe:* partly, *becauſe that the United Provinces are not to be deemed the* ſame people, *ſince their Union into a Republick, and alienation from the other Provinces and Dominion of the Dukes of* Burgundy, *that they were before: They are not the perſons with whom the* Engliſh *made any ſuch Contract, or ever renewed it.* It is moſt certain that Qu. *Elizabeth* did deprive the *Hanſe Towns* of their *privileges* in *London*, upon theſe reaſons; That ſince the *Engliſh* had acquired the *manu-*

Privilegium finitur finitâ cauſâ. privilegio

facture

facture of Cloth, and could manage that *Trade* themſelves, therefore there was *no need*, *no reaſon* to continue the priviledges of the *Hanſe Towns* which had been granted *purpoſely* for the better exportation and vending of our Cloth: Alſo, becauſe that moſt of the *Hanſe* Towns were extinguiſhed and eſloigned from the *firſt and ancient confederation*, which conſiſted of 72 Towns: and therefore the *Corporation*, or ſubject of thoſe priviledges being *ceaſed*, the priviledges themſelves were *ceaſed*. It was further urged, that ſince the *expiration* of the ſaid *Treaty*, whatſoever *Liberty* the *Dutch* had taken in *Fiſhing*, it was an *uſurpation* upon the *Engliſh rights*; that by the *Civil Law*, they were *poſſeſſores malæ fidei*, and conſequently could not claim any *Preſcription*: They *knew* that the *Right* of the *Fiſhery* was veſted in the *Engliſh*; and ſince They fiſhed in *thoſe Seas* during the *Burgundian League* in right of the *Engliſh*, and afterwards by a *notorious uſurpation*, 'twas no leſs evident that *They* had not *any poſſeſſion*, then it is, that whatſoever *They* had was not *Immemorial*: And therefore the *Engliſh* expreſſed a great kindneſs unto them in not demanding Satisfaction for the *paſt Fiſhing*. Beſides their *poſſeſſion* had been at ſeveral times *diſturbed*, and therefore the claim *invalid*. For not only *Philip.* II. had taken a leaſe of it in the dayes of Q. *Mary*, for one and twenty years: but K. *James* had aſſerted *his right*, and prohibited the *Dutch* to fiſh without *Licenſe* A. D. 1609. the like was done by K. *Charles*; and the E. of *Northumberland* enforced *them* to *recogniſe* the *Engliſh rights*.

Joan. Marquard. *Tom de privilegiis Hanſeatiis in Anglia.*

Leſſius *de jure & juſtitia l.* 2. *c.* 6. *dub.* 2. poſſeſſor malæ fidei non præſcribit. *Inter regulas juris.*

Poſſeſſor malæ fidei tam de fructibus perceptis, quàm de his qui potuerunt percipi tenetur. *Thil. Decius de reg. juris reg.* 78. §. 4. 5. *Leo ab Alitzmo* p. 851.

These Arguments were vehemently urged by the Commiſſioners of the *Council of State* at *ſeveral conferences*: and notwithſtanding the *boaſt* of the *Hollanders*, that they would *largely* and *plainly* deduce *their poſſeſſion* and *rights*: All that *They* did alledge was, That they had *Immemorally fiſhed* there without *Licenſe*: That this was aſſented unto by the *Treaty* of 1495. That before that *League* they did not take *Licenſes*; nor could it well be imagined that *they* did: for the *Herring-fiſhing*, ſince the *Invention* to *pickle Herrings*, was not much more ancient then that *Treaty*; It being diſcovered *A.* 1414. That *They* did not know upon *what grounds* K. *Philip* did take the *Leaſe* aforeſaid; ſince *He* needed not to *do it*, by reaſon of the *ſaid Treaty*. That the *Proclamation* of K. *James* was never put in *execution*; but at the requeſt of the *Hollanders*, either *ſuſpended*, or totally *abrogated*: That the enterpriſe of the E. of *Northumberland* was an act of *force* and *violence*, and his expedition meerly *prædatory*: That *They* expected more from the *Juſtice* of the *Republick*, then that *They* ſhould follow ſo *evil preſidents*. Hereunto the *Commiſſioners* replied; That the *Engliſh* were obliged to vindicate their *proper Rights*; which were conveyed to them by a *Preſcription*, and *poſſeſſion*, truly *Immemorial*; And of the *reality* thereof They had in the *beginning of the War* convinced their Embaſſadour, the Lord of *Hemſted*. That the Kingdoms of *France* and *Sweden* were not *leſs potent*, nor *leſs conſiderable* then the *United Provinces*, and might as well inſiſt upon the *Freedom of the Fiſhing*, as *they*: but *They* did not, but did *ſeek leave* for to fiſh in the *Britiſh Seas*

id. ibid.

ibid.

The diſcourſe is annexed hereunto.

Seas. That the *Dutch* ought to follow so *illustrious examples* in recognising the *English* rights, rather then create an *ill precedent* for others to *dispute them.* That it was not the intention of the *Parliament*, to exact any *vast sum* of money from them *annually*, but to acquiesce with a *moderate recognition:* But *They* would never do *England* that *dishonour*, as to relinquish totally that *Right.*

These *Dutch* are alwayes arrogant in *their Language*, but empty in *their proofs.* How vain is their *Immemorial possession?* Common *Impudence* would not embolden a man to insist *thereon.* It is evident, *They never fished without License, except that it was otherwise agreed upon by League.* And if that the modern way of *pickling Herring*, were of so late *an Invention*; yet They had *some other* way of ordering *them* heretofore: For it appears by the *Treaties* betwixt the Crown of *Denmark*, and the *Dutch*, A.D. 1324. and afterwards by other *Leagues* betwixt that *Realm*, and the *Hanse-Towns*, A. D. 1370. as also by the *Records* of *Scotland* and *England*, that the *Herring-fishing* was very *great* and *considerable* long, before that the *Fisherman* of *Biervlet* was born. The reason K. *Philip* proceeded to take the *Lease*, was, because that His *Spanish* Subjects could not *fish* otherwise in the *Irish* Seas: *they* not being comprehended in the *Intercursus magnus*; and and He well knowing the *English* rights as to the *Fishery.* If K. *James* did not execute *his Proclamation*, He never did *suspend*, or renounce it; but with *great fervour* pursued *his claim*, and forced the *Dutch* to acknowledge *his rights*, and desert the *pleas* of *Immemorial possession*, and *Freedom of the Sea.* I do not find any *violence* or *depredation* used by the E. of *Northumberland*, nor that the *Dutch* did protest against *his actions:* I have already given an account of *that expedition*: and I had rather believe what that *Honourable Person* sets *his hand* unto, then all the *clamours* of these impudent *Hollanders.*

Jo. Is. Pontan. *hist. Dan. l. 6.* A. D. 1182. Zuerius Boxhorn. *Apolog pro navigat. Hollandor.* Jo. Is. Pontan. *hist. Dan. l. 7. A. D. 1320.* Joan Angelius *de rebusp. v. Hanseat. part. 3. c. 24.* Jo. Isac. Pontan. *hist. Dan. l. 8. A. D. 363.*

See the Letter at the end of the *English Selden.*

It is most certain, that the pretended *Common-wealth* did suspend the whole *Treaty*, upon this one point of the *Fishing*: they duly considered that it would be impossible, that the *English* should be able to counterpoise the *Naval force* of the *United Provinces*, without a *numerous Seminary* of *Sea-men*; and that in order thereunto, the *English* had no *other means* at present, but the *Colliery* at *New-castle*, which did not bear any proportion with the *Dutch Fishery:* They supposed that it would be impossible for the *English*, ever to *replenish* the *maritime Towns*, to advance *Trade*, and render themselves *terrible* or *usefull* to *forreign Princes* (which motives sway chiefly in *Alliances*) unless they did regain the *Fishery* unto *England:* And *they* esteemed these reasons so *powerful*, that they seemed *impregnable* against the *most amicable* and *religious* harangues of the *Dutch*, and also against the tender of 300000 *l.* offered to purchase *their Amity.* On the other side, the *Dutch*, not minding the *title* of *Soveraigns of the Sea*, nor the *glory of the Flag*, but the *real prejudice* whereto they should subject themselves, if they relinquished the *Fishing*, or made a

(*temporary* and *precarious*) contract for it, with a people *jealous* of the *growth* and *power* of *Holland* (and therefore determined to encreaſe their *Naval force*, *Sea-men* and *Trade*) did reſolutely declare, *They would treat no longer, but muſt return to their Superiours. Decemb.* 15. 1653. In the mean while *Oliver* determines openly to proclaim himſelf *Proteƈtour*, and having effeƈted *that*, the Embaſſadours were ſtayed, and the *Treaty* reſumed: and *Oliver* ſends them this *Anſwer* to their laſt *Memorial*, concerning the *Fiſhing*. "The Lords Depu- "ties having by their former Papers deſired that Freedom of Fiſh- "ing in theſe Seas might be declared in this Treaty: the ſeventeenth "Article was thereupon propounded, whereby Licenſe is granted "to the people of the United Provinces, upon the Terms therein "expreſſed: which notwithſtanding is in their Lordſhips power to "accept or refuſe: But it cannot be admitted, that any thing ſhould "be inſerted in this Treaty that may prejudice the right of this State "in the Fiſhery.

MSS. Comment. *Leo ab Aitzma p.* 851.

MSS. Comment.

No ſooner had *Oliver* enſtated Himſelf in the *Proteƈtorſhip*, but He found the *Dutch* to dally with *His Highneſs*: They liſtened to *His* propoſals, and eſſaied how far *He would condeſcend*; offering to *ſtand uncovered in his preſence*; but proteſting *They* had no power from *their Superiours* to conclude and ſign *any Articles* with this *New Government*. Whereupon *They* deſired a *paſs*, and departed *Jan.* 6. 1653. In the enſuing *Spring* the *Treaty* was reſumed and concluded: The points of the *Sovereaignty of the Seas*, and *Of the Fiſhery* were left *undecided*: The *Proteƈtour* thinking it moſt for *His convenience* to decline the *mentioning* of thoſe particulars, ſince *He* had gain'd *other Articles* that did conduce to *His perſonal ſecurity* againſt the *Sectaries* and *Commonwealth-men* at home, and the *Royaliſts* abroad. The *Dutch* not being to *aid*, or ſuffer any in *their Territories* to aſſiſt with *Ships*, *Arms*, *Money*, *Victuals* or *adviſe*, any of *His Enemies*: but to aſſiſt *Him* upon *any occaſion* of danger with *Souldiers* and *Ships*, in what proportion ſhould be agreed upon. Nor ſhould *They receive into their Territories* any *Rebels*, or declared Enemies of *His*, nor aid *them* in *any manner* whereſoever They were, nor permit any others to do it. In fine, It was agreed, that no perſon in the *United Provinces*, of what *dignity* or *degree* ſoever, living under the *United Provinces* (At firſt the *Prince* of *Orange*, and the Princeſs *Mary* were named; but the *Dutch* deſired that *They* might not be *expreſly* named, but included in the *general terms aforeſaid*) ſhould receive into their *Dominions*, *Houſes*, *Caſtles*, priviledged, or not priviledged, (whereſoever ſcituate) any *Enemy* or *Rebel* of *England*, or aſſiſt them with *Men*, *Ships*, *Ammunition*, *Counſil*, *Victuals*, upon penalty of *forfeiting all their Eſtates during life*. Whereby it is apparent that *His preſent Majeſty* of great *Britta'n*, could not have been relieved by *His Siſter*, or *Nephew*, in the greateſt extremities imaginable, *with one morſel of bread*.

Cerimoniam illam telbi vel nudi capitis parvi quidem fecerant. Leo ab Aitzma *p.* 852.

Leo ab Aitzma p. 854.

MSS. Comment.

Leo ab Aitzma p. 855.

Upon *theſe conceſſions*, (which make up the 7, 8, 9, 10, 11, 12th Articles of the Treaty) did *Oliver* conſent to leave thoſe *other important points* undecided: Wherein as *He* never had *any conſent of Ours*, ſo we muſt

muſt declare that *We* ſhould think *Our ſelves* guilty of all *the Blood* ſhed in that *fierce War*, if we did not profeſs, That the *Right of the Flag*; the *Dominion of the Britiſh Seas*; and the *diſpoſal of the Fiſhery*, are *juſt*, *honourable* and *neceſſary* cauſes of a War with the *Hollanders*, or any elſe.

Thus much being ſaid in-behalf of what is the *principal ſubject* of *this War*, We ſhall ſay leſs in defenſe of the *other complaints* inſiſted on by *his Majeſty*. We cannot ſee any reaſon why we may not reckon upon the *Engliſh* at *Surinam* as our *Fellow-Subjects*, ſince it never was their intention by *Capitulation* to become *otherwiſe*: It cannot ſeem to any intelligent perſon a Queſtion, *Whether They be the King of England's Subjects?* If there can be *any diſpute*, it is this onely, *Whether Adrian Crynſen had power to make any ſuch Capitulations with thoſe of Surinam?* If there had been any *Superiour Commander* at *that time* in *thoſe parts*, or had there been any *poſſibility* of conſulting the *States General* upon the matter; ſomewhat might be ſaid for the *Dutch*: But affairs being otherwiſe, and the *Articles* only ſuch as that They might *tranſport themſelves and their Goods* into ſome of the plantations of his Majeſty; No *Civil Lawyer* will ſay, but that *Adrian Crynſen* might grant *thus much*, and the *States* be concluded by *His tranſaction*: Otherwiſe it will be neceſſary that the *Commander in chief*, or *Admiral*, be preſent in *all places*; or opportunities of War will be loſt: It is therefore adjudged, that in caſes of *no higher moment*, that Captain be reputed *Supream*, who hath none *upon the place* above Him: And in caſe that the *States General* would not ratifie *the Articles*, Common equity obligeth that the inhabitants of *Surinam* be put again into the condition they were in *before the ſurrender*: for the one party cannot be deemed bound, the other being free upon the *non-ratification*.

Ea ducibus data videntur omnia ſine quibus tractari bellum, aut demandata belli pars non contingit. Ut de datâ jurisdictione, & de mandato Iuriſconſulti ſcribunt. Alberic. Gentilis de jure belli, l. 2. c. x.

Grotius de jure belli. l. 3. c. 22 ſect. 9. *Alber. Gentilis* de jure belli commentat. 2. p. 89.

Ipſe Bodinus *in eo fallitur, quod iſtis ducibus obligat contrahentes cum eis: interim dum non obligat aut duces, aut ducum dominos. Imò enim neque illi contrahentes erunt obligati, donec domini ducum ratum habendo geſta ducum ſuorum ipſi obligentur*: ut ſit æqualitas. *Quod diſerte* Decius *conſil.* 531. *Alex.* 5. conſ. 40. *Alberic. Gentil.* de jure belli, l. 2. c. 10. *Injuſtum eſt* promiſſorem *in obligatione eſſe* ſine cauſa: *ergo & nequit* ante acceptationem, *quamdiu illa pendet*, obligari. Joan. à Felden in not. ad *Hug. Grot.* de jure belli. c. xi. §. 18.

In the *Eaſt Indies* they have ſo *injured* the *Engliſh* from time to time, that it cannot be preſumed They will ever put a ſtop to their attempts *there*, until they have totally deſtroyed *our Trade*, which is now reduced to that paſs, that it conſiſts in *Pepper*, *Calicoes*, and ſuch Commodities as are ſcarce worth the fetching, if we compare *them* with the *Gemms* and *Spices* wherewith the *Hollanders* are freighted. The *Barbarities* of *Amboyna* will never be forgotten by the *Engliſh* Nation: being acted *in time of peace*; and which is more, the chief Actors thereof *juſtified*, and preferred by the *States*: and never any *juſtice* done upon them, though the pretended *Common-wealth*, and *Oliver* obliged them thereunto. *Artic.* 27. No Treaty (though K. *James* concluded many with *them*) in any Kings raign, no nor under *Oliver*, could ever oblige the *Hollanders* there: In the *Eaſt Indies* it is that they ſeem to have renounced not only *Chriſtianity*, but *Morality*: or

I ſhould not have mentioned this after that ſo many late *Treaties* have buried it in *Oblivion*; but that upon the laſt breach of the League at *Breda*, All precedent *claims* are *revived*, and all obſtacles *thereto* are removed.

rather, 'tis there they *ſhew that wickedneſs* which here they *palliate*. Our Court of *Admiralty* preſerves ſo many late *Records* of complaints againſt the *Dutch* in *Guiney*, and ſeveral parts of *Europe*, that the *cries* from the *Eaſt Indies* would not be heard, but that they are *able to reach Heaven*, and move the moſt *obdurate* and *inſenſible* on earth.

We cannot remember that *War* of the pretended *Common-wealth* againſt the *Dutch*, without forming a *parallel* thereof, with that His Majeſty is now engaged into. The *Dutch* having attacqued the *Fleet* of *Blake* in the *Downs*, with an intent to deſtroy the *Engliſh* power at *Sea*, and conſequently to bereave *them* totally of their *Trade*, and reduce them to a condition of receiving *protection* from *Holland*, or becoming liable to any *invaſion*: We did not *thereupon* ſeek a *tedious* and *uncertain* redreſs from an *Embaſſy* and *Treaty* with that *perfidious State*; but without *denunciation* proceeded to *ſeize their Ships*, and exerciſe all *Acts of hoſtility*. We did not think it requiſite to proceed by the *ordinary rules of War* againſt ſuch *an Enemy*: Thoſe *formalities* are to be obſerved amongſt the *Civil* part of *mankind*, not with *Carthaginians*, or *Hollanders*: They that ſuffer not *themſelves* to be concluded by the *Laws of Nations*, cannot challenge any benefit from *them*; neither ought *They* to *remonſtrate* againſt the violation of *thoſe Rules* by which *they* never acted. Since their firſt Erection into a *Republick*, their conſtant practiſe hath been an *open* or *clandeſtine piracy* upon the *Engliſh*: ſince K. *James* firſt reigned in great *Brittain*, they have never kept any *League* in reference to *Trade* and *Commerce*: that rich Trade which we had into the *Eaſt-Indies*, at *Japan*, *Amboyna*, *Banda* and the *Molucco's*, is totally ruin'd: our Iſlands of *Poleron*, *Polaway*, *Lantore*, unjuſtly ſeized into their hands: and the damages we have ſuffer'd *there*, are computed in 1653. at 1656233 *l.* 15 *s.* And we are now totally excluded thoſe *Seas* by theſe *Hollanders*, who pretend that by the *Law of nature* and *Nations*, *The Sea and Commerce ought to be free*. Their uſurpations *there* have been accompanied with ſuch *barbarities* and *outrages*, as we find more cauſe to wonder that *they were ſo long tolerated*, then that by the effuſion of the blood of *Dutch Proteſtants*, we ſhould at laſt vindicate the *Honour*, *Intereſt*, *Trade* of *England*, and revenge the deaths of our murthered *Countrymen*. Beſides the cruelties of *Amboyna*, they exerciſed innumerable others: as appears by the *depoſitions* from 1616. to 1620. The *Engliſh* Ships being taken, and their Goods confiſcated, the Captains, Souldiers, Factors and Mariners, were made priſoners, clogg'd with irons, kept in ſtocks, bound hand and foot, tied to ſtakes, haling and pulling them with ropes about their necks, ſpurning them like dogs, throwing them head-long down rocks and cliffs, murdering ſome and ſtarving others to death: ſome were landed amongſt the *Indians*, where they found better uſage amongſt the *Paynims* then the *Proteſtants* of *Holland*: ſome were ſo lodged, that they were forced to tumble in their own *excrements*, not being permitted to go forth to eaſe themſelves. *Laurence Ryall*, the *Dutch* General, cauſed *Grates* and *Cages* to be made, and carried the *Engliſh* therein *fettered*, and ſhewed them

Piratis & prædonibus nulla manent jura: qui omnia jura violant Alberic. Gentilis de jure belli, l. 1. c. 4. *Jura etenim violanti, ſi jus non præſtatur, ei non violari, ſed jus reddi, creditum eſt.* id. de Legat. l. 2. c. 6. *MSS. Comment.*

Printed at *London*, A. D. 1622.

them *triumphantly* to the *Indians* at every port; ſaying *Behold and ſee; here is the people of that Nation, whoſe King you care ſo much for: Now you may ſee how kindly we uſe his Subjects.* They have robbed the *Indians* under *Engliſh* colours, thereby to incenſe them againſt us, and to deſtroy our *Trade* there: They have counterfeited the *coyn* of other Nations, and then defamed the *Engliſh* for it. The traffick to *China* and *Perſia*, &c. was ruined by their ſeizing and deſtroying the Ships of Sir *William Courteen* and *his Partners*. We did by our Embaſſadour *St. Johns* demand ſatisfaction for all *theſe dammages*, and charged *them* with the blood of the *Engliſh* that had been ſlaughtered by them in the *Katharine* and *Dragon*, in theſe words. " Though we cannot " poſitively prove, yet by good circumſtances we can make it ap- MSS. Speech of Mr. St. Johns: ſee alſo the printed account of John Darell, A.D. 1665.
" pear, that you did deſtroy the Ships *Dragon*, and *Katharine*; " though the ſhips and men were never heard of, yet the Guns and " Goods of thoſe Ships have been found in your Country; which " doth give us ſome confidence to believe you did deſtroy the " Men and Ships: And we are informed that ſome of your own Coun- " trey-men, when they lay on their death-beds, did make confeſſi- " on of thoſe cruel murthers and ſeiſures, how that they met them " going to the Cape of good Hope: and after a friendly ſalutation The Remonſtrance of G. Carew, Eſq; printed 1662.
" the Dutch invited the Engliſh Commanders aboard, and after they " had been feaſted, they told them that it was fitting *They ſhould drink* " *laſtick, as well as eat laſtick*; and cauſing them to be bound back to " back, they were caſt into the Sea. And in the Evening when the " Engliſh expected the return of their Commanders and their Crews, " the Dutch with their own and Engliſh boats went aboard the Eng- " liſh Ships, and ſerved every man in the ſame manner; and have- " ing taken out what Guns and Goods they thought fit, the Ships were " ſunk by them: the which were worth, according to the Invoyce, had they come to the port of *London*, 170000 *l.* In *Guiney* and *Braſile* we have been treated with the ſame uſage: and the *Dutch* have been always either acting *open hoſtilities*, or (*which is worſe*) deſtroying the *Honour* and *Renown* of our Nation in *Spain*, *Italy*, *Ruſſia*, and all places whither a *Dutch-man* trades. Therefore we were then convinced, that the *true way to advance the Engliſh trade*, *was to reduce the Hollanders to greater moderation*: and it was apparent unto us, That *ſo treacherous a people were not to be treated as fair and generous* Leo ab Aitzema p. 780, 811.
Enemies, *nor otherwiſe to be reſtrained then by Arms*. The *Hollanders* ſurpriſed us in the midſt of a *Treaty for a nearer Union*: They abuſed us with *contumelious pictures* and *Libels*: They ſlighted the force of *England*; the town of *Fluſhing* alone offering to fight *any Navy we could put forth*: But the uſage which *His Majeſty* hath met with is much more *intolerable*, He being a *King*, and united to them by more then one *firm League of Amity*: Beſides the obligations *his Anceſtours* had fixed upon *the Dutch*, He had extinguiſhed at *Breda* a multitude of *Actions* againſt *Them*, and, by conſenting to *that peace*, He had given them opportunity to reſettle themſelves in order to *their ſecurity*, who were obnoxious to the *French* pretenſions upon *Brabant*: as He afterwards preſerved *them* by projecting the *Triple*

Alliance,

Alliance. Yet as no *Courteſie* could engage theſe *Hollanders* to *Civility*; ſo no *Articles* could tye them to a *real friendſhip*. In a juncture when the *puiſſance* of *France* amaſed and terrified all *Europe*, they *diſpute the Flag* and *deny* the *Dominion of the Sea*, threatning to abandon *England* to the *French*, and privately tendering their *aid* and *ſervice* unto *that King*. Their *Fleets* were ordered not to *ſtrike ſail* unto the *Ships of this Crown*: and thereby the *whole Treaty* at *Breda* annulled. *They* having thus laid aſide all reſpects for *Faith and Honeſty*; all concernment for the *Proteſtant Religion*; all regards for *His Majeſty*, and the *Engliſh* intereſt: *We* cannot think that his Majeſty ought to be *tender of their Amity*, or ſuſpend his counſils upon a *tedious* Embaſſy to *their High and Mightie*s at the *Hague*, who had by a *previous reſolution* about the *Flag* defeated *all hopes of Agreement*.

Declaration *p.* 7. 8.

The *War* under the pretended *Common-wealth*, had this further *reſemblance* with that of *His Majeſty*. That the *Dutch* did twice ſend over *Embaſſadours* to amuſe *us* in our Counſils, and retard *our preparations*: the firſt had *power ſufficient* given by their *Credentials*, but yet They would conclude *nothing* without the concurrence of the *States General*, and *Provincial* alſo: The ſecond came over without any power to *treat* or *conclude*. The like *Fineſſe* we obſerve to have been put upon *His Majeſty*.

ibid. p. 11.

The caſe ſtated betwixt *England* and the *United Provinces*, A.D. 1652.

Upon this *We* proceeded to all *actions of Hoſtility*, publiſhing every where that the *Hollanders* were the moſt *perfidious* perſons in the world; that it was in vain to ſeek a *firm Amity* or *Union* by Treaty or compact with Men that were ſwayed only by *intereſt* and *profit*; that *they* did deſign to monopolize the *Trade* of the *Univerſe* unto themſelves, to impoveriſh the *Engliſh*, and having weakened their ſtrength at *Sea*, and deſpoiled us of our *ancient* and *indubitable right to its dominion* (wherein conſiſts not only the *Honour* but *Safety* of the Nation: for *thoſe Seas* and *our Ships* are the *out-works* and *Bulwarks* of this Countrey) to diſpoſſeſs us of our *Land-inheritance* afterwards upon occaſion. That unleſs the *Dutch* would forbear *theſe pernicious deſigns*, and own the *undoubted Rights* of the *Engliſh* with more *ſincerity* then They had hitherto ſhewed, there could be no *foundation* for any *Agreement*, nor any reaſon why *we* ſhould looſe time in *attending their opportunities* for our *ſatisfaction* and *ſecurity*. To what advantage will the Concluſion of any thing be, or what encouragement is there for any proceeds in things of that nature? For though *Leagues* are confirmed with all the *Sacredneſs* that Man knows of *to bind the performance*, yet if *Profit* be *paramount to ſuch ſtipulations*, when a fair occaſion is preſented, no *bounds*, be they never ſo high and intrinſecal, will be able to preſerve thoſe *Leagues* from doing Homage to the Supream *Deity* of *Gain* and *ſpecial Utility*. Principles that center not in the performance of *Covenants*, further then *they are for advantage*, what differ they from, or rather *How are they not more deſtructive to Civil Society and the Law of Nations, and true Religion, then that vulgarly aſcribed to the* Papiſts, That *Faith is not to be kept with Heretick*s?

We

We did remember a ſucceſſion of *Preſidents* in that *Republick*, How little regard They had unto their *words* and *contracts*: That no *obligation of benefits received*, no terrour of *cautionary Towns* could moderate their minds *heretofore*; but that they did moſt *maliciouſly*, *impudently* and intolerably abuſe and defame Q. *Elizabeth*, whereof ſhe made complaint by the Lord *Buckhurſt*. Though *She* were by the *Articles* to protect them *only* until they could obtain an *aſſured peace* (not till they could form themſelves into a *Republick*) yet did *They* conſtantly reject all overtures made by *Her*, for their reconciliation with *Spain*. Whereat *Shee* was ſo angry, that *Shee* writ to them, *How the indignities they put upon her Majeſty were ſuch, and their Ingratitude for the eminent favours conferred by her ſo villanous, that She* might very juſtly *deſert the League, and relinquiſh their Amity*. They formed a *New Aſſembly* of The *States General*, diſtinct from the *Council of State*, and thereby excluded Her *Embaſſadour* from being *privy to* all *important affairs of State*, which ought to have been communicated unto *Him* by the *League*, and was intended when *He* was admitted to ſit in the *Council of State*. This *Oldenbarnevelt* ſaid was no violation of the *Treaty*, becauſe the Embaſſadour retained *His due place*; but the *cogniſance* and *debates* of the chief affairs were transferred *thence*. It was *then* laid down for a *Maxim* of that *Republick*, That *whenſoever any received uſages or leagues become imtile, or prejudicial to the State; and yet, to prevent the imputation of Treachery, the Republick cannot but adhere to them; ſome new expedient muſt be found out, whereby thoſe cuſtoms or contracts may not ſeem violated, and the publick detriment be alſo avoided.* This *fraudulent beginning* had the *High* and *Mighty States General*: and as the *foundations* of that *Aſſembly* were layed in *Treachery*, ſo the *fabrick* hath ever ſince been ſupported by the *ſame Artifices*. Hereby they gained an opportunity of tranſacting with the *French*, and ſending *Him* aſſiſtance, without ever acquainting of the *Queen*, or her *Embaſſadour*. Whereas by the *Articles*, *All matters of moment that related to the war, were to be firſt communicated to Her Majeſty, or thoſe that ſate, by her appointment, in the Council of State*. At this *She* was ſo angry, that *She* was ready to recall Her forces, and deſert them: and being urged with the *Capitulations*, Sir *Thomas Bodley* replied *for Her*, that *It did not become ſuch as obſerved no Covenants, for to preſs them upon others*. Neither were *They* more faithful in their *Leagues* with K. *James*, notwithſtanding that *He* prevailed with the *Spaniard* to own them as *Free States*, and upon *eaſie terms* ſurrendred the *cautionary Towns*: After a *firm Treaty* in 1619. enſued the murther of the *Engliſh* at *Amboyna*, and other depredations in the *Eaſt Indies*. They were to make ſatisfaction for *that fact* by the year 1625. but K. *Charles* never lived to ſee any *given*: though *He* menaced them

E. Reidanus Annal Belg. ad An. 1587.

Graviſſimam hanc injuriam, ingratum pro ingentibus beneficiis animum, juſtiſſimam Reginæ cauſam dare, ut abjectâ Belgarum curâ ſolis ſibi conſulat. id. ibid.

Ubi & vetera inſtituta & pacta non proſunt Reipub. imò nocent, & tamen fidei publicæ cauſâ perpetuò rata eſſe debent, ad nova recurrendum eſt, quibus nec tollantur vetera, & tamen quæ ex veteribus oriuntur mala præveniantur. Diſquiſit. politic. Hugæ Comit. caſ. 22.

——*Teneri ex fœdere Reginam fœderatorum in caſtris militum ſuum reliquêre. Ad ea* Bodlæus, *etiam Patres adſtrictos ait, bellicas res, modò ullius ponderis forent, cum Reginâ, aut ejus Senatu, communicare. Nihilominùs illos parum id moratos, centurias xx Gallicarum Regi ſubmiſiſſe, nec adhibitos in conſcientiam conſilii Senatores Anglos, miſi jam decretâ re. Nequâquam urgere poſſe Reginam ut pactis ſtet, qui prius eorum ipſi limites exuerint.* Reidan. Annal. Belg. A. D. 1592.

them ſeverely with *Repriſals*, or a *War*, in caſe He had not reparations within eighteenth months for the dammage His Subjects had received, and the *indignities* done to *His Crown* and *Honour*. In the year 1625. King *Charles* made a League with the *Dutch*, in which *a ſincere Amity was mutually agreed unto, each being to do what they could for the benefit, ſafety, and ſecurity of the other.* In the year 1627. They form a League with *France*, to aid that *Realm*, in caſe the *Engliſh* invaded it; and that they would prohibit, as far as they could poſſibly do, that the *Engliſh* ſhould be ſupplied with forces, ſhips, or ammunition to the prejudice of the *French*: during all which time the *Treaty* of *Southampton* was in full force. Nor have the *Engliſh* only cauſe to complain of their *perfidiouſneſs*, the Crown of *France* hath more then once been deluded by them. *A. D.* 1630. The *Dutch* made a League with *France*, obliging themſelves *never to make any Truce or Peace, either directly, or indirectly, without the privity of that King.* This League was to continue *Seven years*, and the K. of *France* paying *them* 200000 *l.* ſterling annually: Notwithſtanding the *aſſiſtance* and *moneys* received in 1632. They treat with the *Spaniard* publickly, without giving *any adverti ſement* thereof to the *French*, or communicating *any Articles*. The *Treaty* came to nothing; and thereupon They ratified the *former League* of 1630. with *France*; adding other *Articles* for to make it *Offenſive* and *Defenſive*. *April* 15. 1634. This League was to endure 7. years from the *date* thereof; and *France* to pay annually 300000*l.* to the *Dutch*, beſides other advantages. This League was made by the *States General*, without being communicated *firſt* to the *Provincial States*: Leaſt *this* ſhould vacate it, another was contrived *Febr.* 8. 1635. Here they oblige the K. of *France* immediately to invade *Flanders* with 25000 foot, and 5000 horſe: and Neither party is to conclude any ceſſation, or peace, *but in conjunction with the other, and with mutual conſent*: and the *War* to continue until the *Spaniard* be totally driven out of the *Netherlands*: the Provinces being to be divided betwixt the *French* and *Dutch* according to agreement. Notwithſtanding all this, when the *French* had begun the war, according to the *League*, the *Dutch* privately ſent their Secretary *Muſch* upon another Treaty at *Cranebergh*; and after that unto *Turn-hout*: thereof *they* gave no notice to the *French*, but denied abſolutely that *He went upon any ſuch employment*; until the *Treaty* was fruſtrated by the arrogant demands of the *Spaniard*. The *French*, to ſecure themſelves againſt theſe *treacherous actings*, ratifie the *former Treaties* by another, *September* 6. 1636. and they oblige themſelves to pay the *Dutch* greater ſums of money the next year. Every year *theſe* Treaties were thus *renewed*, during the Reign of *Lewis* xiii. And after *his deceaſe*, The *ſame Treaties* were confirmed anew, *Auguſt* 30. 1643. In 1644. the *Munſter* peace being entred upon, and *Plenipotentiaries* to be ſent from *France* and *Holland*, a League of *Guaranty* was concluded in order thereunto; in which it was agreed, that *Neither party ſhould enter upon, nor conclude any Treaty, without the conjunction and conſent of the other*; and to the end that one might not circumvent

Leo ab Aitzma, p. 48.
id. p 41.
id. p. 82.
id. p. 86.
id. p. 92.
id. p. 107.
Coniunctione & conſenſu mutuo. *Leo ab Aitzma*, p. 176.
The caſe ſtated betwixt *England* and the United Provinces. *Leo ab Aitzma*, p. 180. &c.
id. p. 201.
id. p. 259.
id p. 273.

circumvent the other, it was agreed that the *Plenipotentiaries should inform the Spanish Ministers, that there was a mutual confederacy betwixt France and the United Provinces, so that they were obliged to treat conjoynedly, and with mutual consent, and so to proceed that the Treaties of both were to be dispatched with equal expedition.* After this, *March* 10. 1645. all the former *Treaties* were again ratified, and a new sum of 120000 *l.* extorted from the *French:* The same was again done *Apr.* 6. 1646. and a *greater sum* disbursed by the *French.* But notwithstanding all this, the *States General* did not send out the *Forces* they promised, but rather contrived how to retard the success of the *French* Arms: They made their *Plenipotentiaries* swear to proceed *conjunctly*, and according to the League of *Guaranty* with *France:* *March* 1. 1644. And presently after the said *Plenipotentiaries* came to *Munster*, they entered into a *separate Treaty*, first for a *long Truce*, and afterwards for a *Peace* with *Spain*: Amusing the *French* (and all *the Provinces* except *Holland*) with this pretext, that *They did but conclude provisional Articles, which were to be inserted into the Munster-Treaty*; but that all was to be *of no effect* in the mean while; and *thus much* indeed was expressed in the *Preface* to the Treaty: and so much *of them* was imparted unto the *French:* the rest they needed not to inquire into, since the *Articles* were to be hereafter *approved* by them, and were only agitated now *to pass the time.* In the mean space The *Dutch* declined to assist the *French*, or manage an *offensive war* against *Flanders*; and being pressed to regard *their Treaties*, the *Provincials of Holland* began to hate the *French*, as men that *presumed too much upon old musty Leagues and Confederacies, which was one of the greatest absurdities in the world.* Instead of prosecuting the war in 1647. They found out an expedient to fulfill the *League* by *ceasing from all acts of hostility at Sea*; the which *cessation* was proclaimed by *Leopold*, *June* 15. 1647. and ('tis supposed) ratified by *the States* (though *Aitzma* could not find any *deeds* to that purpose) for They suffer'd *their Subjects* to take the benefit *thereof*; even the *Zealanders*, who condemned the *Action* as *perfidious*, did by vertue thereof drive on a *gainful trade* with *Flanders.* This year being *thus passed*, in 1648. The province of *Holland* by *sundry circumventions*, and such proceedings as repugned to the *Union of the Provinces*, commute the *provisional Articles* into an *Absolute Treaty*, and ratifie it without communicating it unto the *French*, or any way attending *their consent.* Six of the *Provinces* were amased hereat, the people astonished: the *Heer van Nederhorst*, one of the *Plenipotentiaries*, feigns himself sick, refuseth to sign thereunto, and gave in *his reasons* to the *States General*, *viz.* that *it was contrary to the Treaty with* France; *and contrary to his instructions and Oath, as Plenipotentiary:* The which action of *his* was justified by *his Superiours* of *Utrecht*; and He received *great thanks* for

Legati ut Plenipotentiary, quoties id rogati fuerint, Ministris Hispaniorum Regis indicare tenebuntur, mutuam obligationem ac fœderationem intercedere, nonnisi conjunctim atque communi consensu concludendi, alterúmque Tractatum præ altero neutiquam promovendi, *id. p.* 271.

Leo ab Aitzma p. 315.

id. pag. 426.

Hollandia deputati Gallorum animos bello plane deditos credentes propter iniquum plane atque absurdum Gallorum agendi modum, qui propter veterem Societatem, initósque Tractatus, nimiâ (uti existimabant) familiaritate utebantur, à Gallis abhorrere caperunt ——

id. pag. 654.

id. p. 566, 567.

id. p. 616, 617, 618, 619. 495.

id. p. 519.

for adhering to *his Inſtructions*, and the *real intereſt of his Countrey*. On the other ſide, the *States* of *Holland* by a *publick Act*, do aſſert the
id. p. 577. *integrity* and *honour* of *their Plenipotentiaries*, and avow they will
proteſt and *vindicate them againſt all the world*: giving them the *general*
id. p. 523. *thanks* of the Province. The *Plenipotentiaries* alſo by a *Manifeſt* endeavoured to authoriſe their demeanour; pleading That *Treaties* were
id. p. 502. ſubject to *ſeveral ſenſes*, how *expreſs* ſoever: that their procedure at *Munſter* might fall under a *good conſtruction*, if men would *interpret it*
id. p. 501. *aright*, and conſider how much is to be attributed to *emergencies* and *occaſions*. That They had done nothing contrary to their *Oaths* and
Inſtructions, as ſome, eſpecially the *contradictious French*, did clamour: They did *reſpect* the *French* Amity very much: but yet they
found the *obligations to their Countrey* to be *paramount*: that 'twas true,
id. p. 345. they had an *Inſtruction* to *obſerve ſtrictly the League of* 1644. and to communicate all their affairs with the *French*. But they had another *more*
important Command alſo, which was, That *they ſhould do all things that*
id. p. 501. *were for the benefit of their Countrey, and Republick; and eſchew all ſuch things, as (in their judgment) might turn to its detriment and prejudice.*
The *French* King writ *Letters*, and ſent *Embaſſadours* to expoſtulate and proteſt againſt *this Peace*: but *De la Thuillery* either got no anſwer to his *Memorials*; or only this, *That the States General were ſatisfied, They had not failed in their reſpects to His Maſter*: Moſt of the *Provinces* at firſt refuſed to *ratifie the Peace*, and *Zeland* was obſtinate to the laſt, never ſigning it, nor ſuffering their Plenipotentiary *Knuyt* to attend the *ratification*. They deſired, that ſince things were
id. p. 644, 645. proceeded ſo far, the *States General* would but be ſo civil to their *old confederate*, His moſt *Chriſtian Majeſty*, as to ſend unto *him*, and acquaint Him with the true condition of affairs, and ſuſpend the *ratification* untill the *French* had perfected *their Treaty*: that this was the great intent of the *Munſter-Treaty*, to effect a *peace* for *France* and *Holland*, if not for all *Europe*. That to gratifie his Majeſty thus far, was but a ſmall return for ſuch kindneſs as he had alwayes expreſſed for the United Netherlands: the particular teſtimonies whereof They ſhould not relate, but ſo *many*, ſo *ample* they were, that when *Hiſtorians* ſhould record them, they would not be believed by *poſterity*, as they could not be ſufficiently acknowledged by any *retributions* or *aſſiduity of ſervice*, which the *Dutch* could pay unto *that Crown*. Beſides, to ratifie this *Treaty* at *Munſter*, what was it but to put an end to *all the Leagues* betwixt the *United Provinces* and *France*, even thoſe of *Guaranty*? and then They ſhould looſe their *beſt ſupport* and *alliance*: to the great danger of *their Republick*. But no *Remonſtrances* could prevail againſt the *Artificies* of the *Hollanders*; wherefore by a *plurality of votes* (a courſe not *legitimate* in ſo high matters) the *States General* did *ratifie* the peace, and appoint it to be proclaimed and
id. p. 685. celebrated with *bone-fires*, *June* 5. 1648. The *Zelanders* again interpoſed, *Calling God and Men to witneſs, that They did never aſſent unto this Peace, with the excluſion of* France: *and that They were innocent as to all thoſe calamities, and misfortunes, which either the wrath of Heaven,*

ven, or Indignation of exaſperated Princes might create unto the United Provinces. The Peace was proclaimed on the day aforeſaid, but the *people* were ſo poſſeſſed with the *horrour* of the Action, that many in *Holland* (as *Leyden*) made not any *bone-fires*, and none elſewhere gave thoſe uſual ſigns of *joy*. The *French* King (whoſe *candour* was juſtified by *Nederhorſt*) recalled his Embaſſadour from the *Hague*, adding that *ſince He had no manner of League with them, a Reſident might ſerve the turn there.*

By the *ſame peace* they betrayed *their confederates*, the Prince *Palatine*, and the other *Proteſtants* of *Germany*, who might have had great advantages by a *General Peace*; but the *Dutch* only reaped the *benefits of this.* Theſe *Dutch* left their old friends, the *Hanſe Towns*, out of the Treaty betwixt *Denmark* and *Sweden* in 1645. without any other motive, then *their peculiar profit.* There is not a *Prince*, or *State* in *Europe* (or the *Indies*) that doth not form the like complaints againſt *them.* Even the *Spaniſh* Embaſſadour *Le Brun* averred, that the *Dutch* in a little time violated *Seventeen Articles* of the *Munſter*-peace. id. p. 578.

As to *Their Religion*, we could never be convinced that The *Hollanders* did regard any. Their firſt revolt was not founded upon any *ſuch principles:* They patiently endured the ſuppreſſion of their *Churches* and *Miniſters:* the Country did not ſtir *thereat*, nor upon the *execution* of ſo many *thouſand Proteſtants.* The beſt of *their Hiſtorians*, and who was privy to the *ſecret tranſactions* of *that age*, begins his *Annals* with a quite different account: The *States* of *Holland* and *Weſt-Frieſland* avowed it: and it is notorious that the *exaction of the Tenth penny* by the *D.* of *Alva*, did more exaſperate *them*, then the *Inquiſition.* By the pacification of *Ghent*, A. D. 1576. the *Hollanders* and *Zelanders*, united with the other more *Catholick* Provinces, it being agreed that *They* ſhould not attempt any thing againſt the *Roman-catholick Religion*, or moleſt any for profeſſing it; but demean themſelves *without any offenſe:* except it were within their *proper Provinces:* Governments and Commands were promiſcuouſly diſpoſed of to *Papiſts*, and thoſe of the *Reformed Religion.* And by the *Union* at *Utrecht*, A. D. 1579. The Provinces of *Holland* and *Zeland*, are to be of *what Religion they pleaſe:* the reſt of the confederates are to continue the *Roman Catholick Religion*; or at leaſt to make no alteration *therein*, but by *General conſent*, or the Authority of the proper *Magiſtrates.* When they tendered the *Soveraignty* of their Provinces to *France*, it appears by the *Articles* and *Inſtructions*, that *They did not* inſiſt upon the having *Proteſtant Magiſtrates*, but left *that King* to chooſe *others*, ſo they were but *honeſt peaceable* men, who would not perſecute or moleſt thoſe that were of a *different Religion.* When the Earl of *Leiceſter* came to be Govern-

Neque alia Belli Belgici cauſa, aut tumultuum origo, in medium aſſerri poteſt, quicquid vulgò contra diſſeratur, quàm quod vi armatâ per Hiſpanos & alios exoticos milites extorquere à nobis voluerit, quod Comitia Ordinum publica utilitati adverſarium judicarent. Decret. de majeſt. & antiq. jure Batav. reip.

Quorundam opinio fert, non Religionem Belgis; ſed Decimam deſtructionis fuiſſe cauſam: quippe antè gaſta profugi patrârant. Unde gravior in illos divina fuiſſe pœna videtur, quod ſacris ſe exui paſſi, fragilium bonorum gratia bellum Regi moviſſent. Reidanus ad ann. 1570.

A. E. Materan. A. D. 1576. *Reidanus* ad ann. 1578.

A. E. Materan. ad ann. 1579. Leo *ab Aitzma's* notable revolutions, in the preſatory account of that *Union*, &c.

Reidanus ad ann. 1584.

our *there*, He found not only *Papiſts*, but even *Eccleſiaſtics* at *Utrecht*, to rule in the *Senate*, and Province: and the original of the quarrel and complaints againſt Him were, that *He depreſſed the Papiſts, and advanced Proteſtants*, contrary to the *League at Utrecht*: in *Their* defenſe did *Holland* remonſtrate againſt the *Earl*'s proceedings: this was the reaſon why the *Miniſters* and all the *zealous* proteſtants honoured and loved the *Earl*, and only the *Atheiſtical politicians* of *Holland* oppoſed him. If we look upon *them* in their more *flouriſhing condition*; All Religions are tollerated *there*, as well as *Proteſtants*, even ſuch as are moſt repugnant to the *Deity* and *Goſpel of Chriſt*. Their actions are regulated by principles of *State*, and upon *thoſe grounds* do they invite and encourage *all Sects* to live in their territories. When their intereſt doth ſway them, they *deſert*, or fight againſt Proteſtants. Thus they aſſiſted the King of *France* with *twenty Ships of war* againſt *Rochel*, A. D. 1627. 1628. When the *Boſch*, *Maeſtricht*, and *Breda* were conquered, the *Popiſh Religion* was alwayes tolerated openly in *thoſe diſtricts*, in ſuch manner as it was exerciſed *before*: and ſo it was intended if *Antwerp* had been taken: and at the *Munſter*-Treaty, the *States General* did include as a part of *their Treaty*, another private one made betwixt the Crown of *Spain*, and the Prince of *Orange*, in which it was agreed, that in the diſtricts of *Seventberg*, *Turnhout* and other places, the *Roman-Catholick Religion ſhould be preſerved entire, and in the ſame manner as it was when that League was made, and that All the Eccleſiaſticks ſhould enjoy their Endowments, Eſtates, Immunities and Priviledges*. At *Munſter*, their *Excellencies* the *Embaſſadours* and *Plenipotentiaries* of the *High* and *Mighty States General*, thoſe *pure Proteſtant*, (out of meer *oſtentation*, not *buſineſs*) ſent to the *Pope*'s *Nuncio twice* to acquaint *Him* that *They* intended *Him* a *viſit*. The *Nuncio* was not *at home* to receive the *firſt Complement*; Upon the *ſecond meſſage*, He was ſolicitous what *Anſwer* to return. It was moſt true, That *He* might entertain *them* as the *Embaſſadours* from a *Free State*; *whereupon neither the Catholick King, nor Catholick Church, had any pretenſions*: the *one* having relinquiſhed *His temporal claim*, and the *other* having no *Spiritual Power* over *Locuſts*, *Infidels*, *and Divels*: Yet *He* conſidered, That where the *Keys of Saint Peter* were of *no value*, thoſe of *His porter* ought not to be made uſe of: That in *this viſit*, He ſhould rather *give* then receive *Honour*: That theſe *Dutch* were very *arrogant*, and had *inſtructions* to diſpute every *punctilio* of *Ceremony* and *Reſpect*: That in *His Palace* Theſe *Fiſhermen* would take place of any *Roman Fiſher*, and quarrel with *Him*, as They did with Mr. *D. Avaux*, for *lolling* a little upon *their Half* of the *Table*: That *He* muſt attend *them* to *their Coaches*,

Hic delectus magna in Belgicis motibus mala dedit. Sæpe enim homines imperiti unum ob Religionis ſtudium, ad magiſtratum evecti, rejectis viris præſtantibus, magnique in repub. uſus, quòd non in omnibus eadem cum Reformatis ſentirent. id. ad ann. 1586.

Hactenus Eccleſiaſticorum quibuſcunque reformata religionis odium, aut caritas Hiſpani pretium non fuerant patriæ ſedes aut partes deferendi, prima publicè ſuffragia, privatim bonorum cujuſque adminiſtratio Idque Gandavenſi & Trajectino fœdere, & conditionibus iis convenerat, quas de tolerandis quamvis diverſum circa ſacra ſentientibus Patres ſtatuerant: quos contractus nunquam violari paſſus Arauſionenſis, ut Gandavi totius Flandriæ exitio evenerat. id. ibid.

Hujuſce reipub. operam fidam non ſolum ſibi, ſed ſuis quoque rebus pertutelem experius Chriſtianiſſimus Galliarum Rex in obſidenda & occupanda Rupella. Martin. Schoockius de matit. Imper. c. 27.
Leo ab Aitzma p. 402. 403.

Deductio ord. *Holland.* cap. 9. Sect. 8.

Leo ab Aitzma, p. 346.

Navarrus manu. c. 27. n. 13.

Leo ab Aitzma p. 341.

id. p. 279.

Coaches, and inſtead of *Benedictions*, *Excommunications* or *Exorciſms*, He muſt teach *them* to pay *reſpect* (not *Reverence*) by *beginning it*: Upon *ſuch motives as theſe* He ſent them word, *That he was undreſſed, and not in a condition to ſee Them.* The which *Anſwer*, They took as if *They* had been *interdicted* his ſight, *Sub ſigillo Viſcatorii.* If the *Devil* had ſent a *Plenipotentiary* thither, who would pay *them* all the *punctilities of Honour*, which *their Inſtructions* obliged *them* to inſiſt upon with the *Agents of Spain* and *France*. Theſe *Embaſſadours* (to ſhew their *grandeur*) would at *Noon-day* have made a viſit to the *publick Miniſters* of the *Prince of darkneſs*. In that peace, *They* purſued nothing but their *private advantage*; for if they had joyned in the makeing of one *General peace* (as *France* and *Sweden* offered) the Prince *Palatine* had been reſtored, and the *Proteſtant Religion* ſetled in *Germany*, according as it was before the war in 1618. This conſideration was preſſed by ſome of *the Provinces* earneſtly, and as a *motive* for the adhering to the Treaty with *France*. But theſe *High* and *Mighty* profeſſours of the *Reformed Religion* were ſwayed too much by the *Maxims* of *Holland*, to *proſecute* any *ſuch matter*, and *inſtructed* their *Embaſſadours* to the contrary; their demeanour at *Japan*, is not the onely *Scandal* they have given unto *Chriſtendom*: In the Kingdom of *Pegu*, when the *Engliſh* Merchants had refuſed (being commanded to attend the Emperour at a Solemnity) *modeſtly*, to ſacrifice ſome *parched-Rice* to the *Idol* in the Temple: as alſo did the *Portugueſes*, ſpitting upon the ſaid *Rice*: the *ſecond man* of the *Dutch* factory (the *principal* declining it) briskly takes the *Rice*, and addreſſing himſelf to the *Idol*, offers it, as became a *Chriſtian* of *Holland*. And Mr. *Beverningk* being Embaſſadour to the pretended *Common-wealth*, did ſay occaſionally upon diſcourſe with a great Man *in thoſe dayes*: That it was impoſſible for *England* to continue a *Republick*, by reaſon of the *violent animoſities* ariſing from the differences in *Religion*. That in *Holland*, Chriſtianity had no ſuch effects upon the ſpirits of Men; ſo as that it might be ſaid, *There were many opinions indeed in Holland, yet but one Religion, which was their Intereſt*: And we dare confidently avow, that of all that have lived as *exiles* there, not one found his reception to be bettered *by the State*, upon the account of *Proteſtancy*, or *Puritaniſm*.

id. p. 343. 344.

id. p. 321.

id. p. 342.

Mr. *Britton* a Merchant of *London*, now living, was then preſent as chief of the *Engliſh* Merchants: from *Himſelf* did I receive this Intelligence.

Seeing the *Cauſe of Religion* did ſo little intercede for the *Dutch*, and their *Treachery* having been ſuch as is expreſſed, the pretended *Parliament* and *Council of State*, weighing well their *extraordinary ſucceſs* at Sea, did conclude that *Treaties of Allyance, how expreſs and ſolemn ſoever, could not yield any ſecurity to the Engliſh, againſt the perfidious Hollanders*: that no *contracts were able to enſure them that the Dutch would not attempt again to ſurpriſe their Fleets in the time of peace, and when they profeſſed as great kindneſs as they had done in* May, 1652. Whereupon 'twas determined to put no end unto the war, until the *Dutch* ſhould aſſent unto a *Coalition*, ſo as that the *two Soveraign powers* ſhould be united into *one*, to conſiſt of perſons of *both nations*, as ſhould be agreed upon; and *All the people* to enjoy the like priviledges and

MSS. Comment. Leo ab Aitzma. p. 844.

and freedom in reſpect of habitations, poſſeſſions, *trade, ports, fiſhing and all other advantages whatſoever, in each others Countrey*, as Natives, *without any difference or diſtinction*. Other courſe *they* ſaw none, in which they might *with prudence* and *ſafety* acquieſce. The Province of *Holland*, being particularly ſenſible of the *expenſe* and other *detriments* which that war brought upon *them*, did privately employ Col. *Dole-*
Leo ab Aitzma, p. 816, 817. *man* and others, (gaining unto them *Hugh Peters*) to try the inclinations of the pretended *Parliament*: this was concealed from the *States General*, and known to *few* of the *Provincials* of *Holland*. The *Engliſh* did not ſeem averſe to a *good peace*; upon *juſt* and *honourable terms*; but refuſed to treat either in *Holland*, or any *neutral place*: nor would they *condeſcend* to any *ſuch negotiation*, except the *Hollanders* did make the *firſt overtures* by a *Letter*. For as *their neceſſities*, not *affection* to *peace, proteſtancy*, or the *Engliſh Republick*, made them to ſeek it: ſo it was requiſite for the *Honour* of *England*, which had been ſo *deſpiſed*, and *ignominiouſly* treated by *them*, that They ſhould repair the *paſs'd Infamy* and *diſgrace* by *effectual ſubmiſſions*. The States of *Holland* and *Weſt-frieſland*, conſidering the miſerable *diſtreſs*, and incorrigible *diſorders* of their people, did ſubmit *thus* to confeſs *their Errours*. *March* 8. 1653.

MSS. Comment. "THe States of *Holland* and *Weſt-frieſland* conſidering, that without doubt it is a remarkable puniſhment from the *juſt judgment*
Leo ab Aitzma, p. 817. " *of God, irritated by the ſins of the people*, that notwithſtanding the " *communion of the pure Reformed Religion*, which ought to oblige the " two Nations to Love, Unity, and a reciprocal care to procure each " others good *at home*, and *mutual luſtre abroad* (whereto *Nature* it " ſelf, by the vicinity of the Countreys on *both ſides*, ſeems to have " contributed and given advantage) yet contrarily, the preſent dif- " ferences have cauſed that the *prudence of nature* is forced againſt " *Her aims*, and the *means* which might tend to mutual *Conſervation*, " are employed to the ruin of each other; and that the *Religion*, the " moſt dear and precious pledge, which by the Grace of God, hath " been ſo long, and until *this preſent*, marvailouſly preſerved be- " tween the *two Nations*, againſt the machinations of the Enemies of " its *Honour*, is become endangered. And alſo the Lord God having " furniſhed both Nations with matter of thanks and praiſe to his cle- " mency, in that by *his grace* they may ſubſiſt of themſelves, and that " they have the convenience of aſſiſting each other in caſe of neceſſi- " ty, *and where his honour ſhall require it*, by theſe very Nations *in* " *lieu of due acknowledgment of theſe his ſaid mercies*, matter is afforded " to the Enemies of God, and of both Nations, of rejoycing, by " their preſent confuſions, and to hope for at length thoſe will ef- " fect for them *that which they themſelves have not been able to bring to* " *paſs*: And that which adds to the *reciprocal misfortune* is, that by the " *alternate* and uncertain ſucceſſes and daily effects of Arms, ſeen by " the great effuſion of blood of the *Houſhold of Faith*, on the one and " on the other ſide, both waies apprehended by the Enemies of *Gods*

" *glory*,

" *glory*, and *his Church* ſo precious, He that overcomes, *conſidering*
" *the thing in true Chriſtianity*, ought to lament the *victory* equally with
" the other, *who ſeemeth to be defeated*. Wherefore the aboveſaid
" *States*, carried on by a *pious zeal*, and being, through the Grace
" of God, *in no wiſe conſtrained by any other conſideration*, have not in
" the leaſt *ſcrupled* to repreſent the aboveſaid to the *Parliament of the*
" *Common-wealth of England*, to the end, that *They* having the ſame
" apprehenſions with the *ſaid States* concerning this affair, Conſide-
" ration may be had what ought to be done for maintaining the *Ho-*
" *nour* and *Glory of God*, and for the good of each other State; where-
" upon without doubt the *Good God*, for *His Name's ſake*, by the in-
" ſpiration of proper and fit expedients, will give his bleſſing: Or
" in caſe the ſaid Parliament be of another mind, the ſaid *States* ha-
" ving abundantly diſcharged themſelves, may with much more peace
" of Conſcience attend the iſſue which it ſhall pleaſe God to give
" to the preſent Confuſion and Diſorders. Done at the *Hogue*.
" *March* 18. 1653.

By order of the States of Holland *and* Weſtfrieſland.
Herbert van Beaumont *Secretary to the aboveſaid States.*

What an *impudent lye* was this? and how unſeaſonably is it inſerted amidſt ſo much ſanctified language? But you muſt remember it came from *Holland*, and *De wit* contrived it.

The *Speaker* received this Letter by a ſpecial Meſſenger, the Secretary of the Lord *Adrian Paauw*, whereupon it was referred to the *Council of State* to anſwer it as *They thought fit*. Theſe conſidered that *this Letter* was the act of a *Cabal*, and not of the *States* General, and that *They had to do with Hollanders*, whoſe *integrity* they much ſuſpected: They determined to write *one Anſwer* to the *Authours*, and another to the *States General*, acquainting them with the *private overtures* of *Holland*: intending thereby either to make the *States General* own the ſame *recognition*; or to create *jealouſies* and *animoſities* betwixt the *other Provinces* and *Holland*, which had acted *ſeparately* and *clandeſtinely* in a matter of *that nature*, contrary to the *Union*. Theſe Letters were *diſpatched*, *April* 1. 1653. wherein *they* told the *Hollanders* (in a *dialect* not leſs *ſpecious* and *pious*) that " the inconvenien-
" cies to Religion in general, and to the *Trade* and *Liberties* of each
" Nation, were ſuch as any man might have foreſeen; and that none
" could be ignorant, how requiſite it was for both Nations to pre-
" ſerve a good correſpondence and amity together: That the Eng-
" liſh had not omitted any thing on their parts; But the Dutch had aſ-
" ſaulted them in the midſt of a Treaty for a ſtrict Union; and their
" Embaſſadour had uſed ſuch tergiverſation, as made them juſtly i-
" magin, that their ſenſe of things was different from what They
" now profeſſed. That the good endeavours of the Parliament,
" were anſwered with unuſual Preparations, Acts of hoſtility, and
" other extraordinary proceedings thereupon: That they had this
" comfort and ſatisfaction in their own minds, amidſt the troubles
" and calamities of War, that they had with all ſincerity done what
" lay in their power to obviate all the evils ſpecified: That they did

MSS. Comment.

MSS. Comment. Leo ab Aurea. p. 8.

" took

" look upon the overtures of Holland, if approved of by the States " General, to be an effectual means for compoſing this unwelcome " war: That they ſhould inſiſt upon nothing but what was *reaſonable* " *and juſt*: However the Parliament having diſcharged their duty, " would, in all Events, with patience acquieſce in the Iſſues of " providence, whereof they had ſo gracious Experience.

This was the *import* of the *Letter* to the *States of Holland* and *Weſt-frieſland*: that to the *States General* was more *brief*, though to the *ſame purpoſe*. Viz. *That there could be no doubt of the ſincere affection and good will which the Engliſh did bear unto the United Provinces: ſo that it might be well imagined, that they were really inclined* by Juſt and Honourable means *to extinguiſh the fire of war, ſtop the effuſion of Chriſtian blood, and reſtore Amity betwixt the Nations: That as They had not been wanting in the beginning to prevent the enſuing calamities, ſo they were not altered* with ſucceſſes *from their former good Intentions: That they were ready upon the grounds expreſſed in the Letter from the Provincial States of Holland and Weſt-frieſland, friendly to compoſe differences*, &c.

These *Letters* had that effect which the *Parlamentarians* propoſed to themſelves: The *other Provinces* complained of *Holland*, that *They* had broke the *Union*, by treating *privately* and *ſeparately*. The States of *Holland* and *Weſt-frieſland* denied *they ever writ ſuch a Letter*: The *Commonalty* raged thereat, and cryed *it was more ſafe to fight then to truſt that Parliament*. But *wiſer men* thought it impoſſible for *them* to continue the war, and Count *William* of *Naſſau* induced *Frieſland* and *Groninghen* to joyn with *Holland*, and afterwards the other Provinces did conſent to a *Treaty*. They were ſomewhat angry that the pretended *Parliament* had given *no Titles* in the inſcription of *their Letter*, and that *They* had now loſt the Elogies of *High and Mighty*: They ſaw that *this Treaty* was not likely to be ſo *Glorious* for them as that of *Munſter*, where *Their Plenipotentiaries* were ſtiled *Their Excellencies*, and the *States General* never mentioned but with the addition of *High* and *Mighty*: when the Count *Penneranda* waited on *their Embaſſadours* unto their *Coaches*; and Mr. *le Duc de Longville*, with D'*Avaux* and *Servient* gave them the precedence, and accompanied them to *their Coaches*: That the K. of *France* in a thouſand *Treaties* and *Letters* had given them *Theſe Titles*; and *verified* them by an *Edict*, upon complaint that *His moſt Chriſtian Majeſty* had robbed *Them* of the Titles of The *Moſt Invincible*, The *Moſt Mighty*, The *Moſt Renowned*, in ſome addreſſes *of His*; and preſumed to name them *Sieurs Eſtats*, inſtead of *Seigneurs Eſtats* in the draught of the League of *Guaranty*, 1644. But theſe *Parlamentarians* were people of *no breeding*, ſince They omitted theſe *ſo uſual* Titles; and *groſs Sectaries* from the *Reformed Religion* to deny them all the Attributes of *God Almighty*, viz. The *Moſt High*, The *Moſt Mighty*, The *Moſt Fore-ſeeing States General*, &c. Yet ſince they had to do with the *Commons* of *England*, not with *Kings* and *Princes*, with *ſuch perſons* They would not *now* diſpute *Titles*, the *omiſſion* where-

of

Leo ab Aitzma p. 820. malè ferebant reliquæ Provinciæ id Hollandos feciſſe: contrarium *Unioni Ultrajectinæ* eſſe. Memini me *Amſterodami*, cum primum epiſtola evulgeretur, audiviſſe toto ejus Urbis Magiſtratu inſcio decretam & ſcriptam eſſe: quod tamen nec erat, nec eſſe poterat verum. Alibi ſimiliter id. ibid.

Leo ab Aitzma p. 350. 353. id. p. 349. 266. id. p. 269, 270. Ab iſthoc anno 1632. Gallos non rogatos *Aranjonenſium Principi* Titulos majores magiſq; honorarios conceſſiſſe; contra verò huic Statui, *Inviſtiſſimi, Potentiſſimi, & Glorioſiſſimi* Titulos ſurripuiſſe. id. p. 268.

of did not argue *their weakneſs*, but the *rudeneſs* of the *Engliſh*; and conſequently the *diſparagement* was on *Their ſide*. A Letter therefore was ſent *From the States General of the United Provinces to the Parliament of the Common-wealth of England*. Wherein they declared, that "They "had alwaies endeavoured with *a good and ſincere intention*, not only "to keep, but to augment more and more all manner of friendſhip "and correſpondence with the ſaid Parliament; and would now do "any thing that might contribute to ſo pious and Chriſtian an Union: "deſiring a Neutral place, and Plenipotentiaries might be appoint-"ed forthwith on both ſides. *Apr.* 30. 1653. Whilſt theſe things were thus tranſacting at the *Hague*, Col. *Deleman*, and thoſe that tranſacted for the Province of *Holland*, together with *Hugh Peters*, did make very *ſubmiſs applications* to the Members of the *Council of State*, and *Parliament*, confeſſing That *they were not able to conteſt with the puiſſance of* England; offering to acknowledge the *Engliſh* for *Soveraigns of the Britiſh Seas*, to expreſs *this* in each Captains *inſtructions*, and declare it by an *Act of State*: and withal to purchaſe *their Amity* with a ſum of 300000 *l.* Theſe overtures being made to Gen. *Cromwel* amongſt others, did raiſe in *him* an Ambition to aggrandiſe himſelf, by depoſing *His Maſters*, who began to ſuſpect his *Greatneſs* and deſigns: whereunto the *Dutch* animated *Him* into the hopes of *that*, or a *greater ſum*. The pretended *Parliament* being ſecluded, the Army placeth the power *pro tempore* in the *Council of State*, it being conſtituted of many of the *former Members*, and ſome *additional Officers* of the *Army*. The old *Rumpers* were befooled by *Cromwel*, as if *He*, by a kind of *Dictatorſhip*, would ſettle *that* equal *Republick*, which 'twas impoſſible to inſtitute and effect by the *Parliament*. To the more *devout* and *Fifth-monarchiſts* He promiſed to erect a *Dominion of Saints*: both became *hereupon* divided in their *intents*, though equally animated againſt the *Hollanders*. To them doth *O. Cromwel* impart the Letter from the *States General*, which their Meſſenger Mr. *Thilman Aquilius* had delivered unto *Him*: The *Council* returned an Anſwer, *May* 6. 1653. ſigned *J. Lambert* Preſident: *J. Thurloe* Secretary, declaring "That notwithſtanding the late change and alteration of "affairs, which it had pleaſed the wiſe and all-diſpoſing hand of "God to bring to paſs in the Common-wealth, yet They had the "ſaid amicable intentions for the United Provinces, with ſincere "deſires to put an end unto the war, and eſtabliſh a firm and laſting "peace betwixt the Nations: That it would be tedious to ſend Ple-"nipotentiaries to a Neutral place; but if The States General would "ſend any to *London*, the Council would begin a conference with "Them, and yield to any terms that might reaſonably be expected. This revolution in *England* added new life to the drooping *Dutch*, they begin to contemn the *new Government*, and think to extort any conditions from the *diſtracted Nation*; they flatter themſelves with an opinion that the conduct of affairs will be altered, that the *Fleet* would not *fight*, & *that the pretended Parliament* would attempt to re-eſtabliſh themſelves. Whereupon they equip out a *great Fleet* under *Van*

Rare *Lyes* for a *dying* State.

MSS. Comment.

Trump, *De Wit*, the two *Evertſons* and *De Ruyter*: And withal deſign four *Deputies*, Mr. *Beverning*, *Nieuport*, *Vande Perre*, and *Jonſtall*, to go upon an Embaſſy unto *England*: whereof the firſt ſhould go away preſently, there to ſpy into the poſture of *the Nation*, the intentions of the *Council*, and to keep on foot a *Treaty* which *they* would ſeriouſly purſue, as occaſion required. Their *Fleet* was much more *numerous* then that of the *Engliſh*, the Commanders ſtout and expert: yet were They beaten *June* 2. and 3. upon the Coaſt of *Flanders*, about thirty four of their Ships burnt and taken, and the reſt chaſed home towards *their ports*. This ill ſucceſs haſtned the diſpatch of the *Deputies*, and *Van Beverning* is immediately ſent to *London* (not ſtaying for a Paſport) where He arrives about *June* 16. there *He* found a *welcome* anſwerable to what *He* deſerved: For *His Superiours* did hope to have retarded the *Engliſh* preparations and Counſils, whilſt They encreaſed the *Strength* of their own Navy, ſo as that *They* doubted not to put a more *ſpeedy end* unto the *war* by Battle, then by *Compoſition*: and the *Council* being aware of *theſe intendments*, and that *They* did not *really* and *cordially* embrace the *Treaty for Peace*, They determined to uſe them with *ſuch haughtineſs* as Their preſent Victory inſpired *Them* with, and ſince but *one* of the *four* was come, and *He* not likely to make any *ſerious overtures*, The Fleet was commanded to lye upon, and infeſt the *Dutch* coaſts about the *Texel*, new *reinforcements* being expedited: Nor did *They* doubt but the Terrour of the late *bloody* and *gallant fight*, together with the ſight of the *ſame Enemies* conſtantly before *Their eyes*, would fill *Holland* with *conſternation*, and make *them*, with more *ſincerity* and *ſubmiſſneſs*, purſue the negotiation. *Van Beverning* finding Himſelf ſo little reſpected, and conſidering How deplorable the condition of *His Countrey* was, at laſt applies Himſelf by way of *Petition* to *Cromwel*, and the *Council of State*, in theſe words.

To his Excellency and the Lords of the Council of State *of the Republick of* England.

MSS Comment. THe ſubſcribed Deputy of the Lords the *States Generel of the United Provinces*, having order on their behalf to propound divers points of importance to his Excellency, and the *Lords of the Council of the State of England*, *prayeth moſt humbly and inſtantly* that He may obtain a *favourable Audience*, as ſoon as their other affairs and deliberations may permit them, and if it might be, to day or to morrow. Done at *London* the $\frac{2}{3}$ of *June*, 1653.

ibid. But He could not prevail to be heard until the laſt day of the Month: He was very *ſubmiſs* in his addreſs, gave the *Council of State* the Title of *Illuſtrious*, and termed them *Meſſeigneurs*: and "praied that "God with his holy Spirit might preſide at all their conſultations, "and bleſs their Government and the Nation with all proſperity and "happineſs, he deſired that the memory of the paſt actions might be "obliterated,

" obliterated, and that a perfect Amity, and indiſſoluble Union, and " more entire correſpondence then ever, might be eſtabliſhed be- " twixt both Nations. That He, and three more out of the States " General, were ſent to renew, with all candour and ſincerity, the " proteſtations of their whole affections towards this Common- " wealth, and to aſſure His Excellency and their Lordſhips, that " They remain alſo continually in the ſame mind, and in the ſame in- " tentions, They deſire with all their hearts, that with a mutual " conſent, upon honeſt and reaſonable conditions, this unhappy and " bloody war might be ended, and a firm and perpetual peace e- " ſtabliſhed betwixt the Nations. You ſee, My Lords (added He) " the freedom and ingenuity of their deliberations: They oblige *Leval Alt. na* p. 825. " not themſelves to formalities, and have made no ſcruple to ſend " their Deputies to your Honours, without inſiſting ſo much as up- " on a Paſport, expecting from you a reciprocal candour and free- " dome.

After this *He* tendered to *Cromwel* a Propoſition for a *ſtraight Alli- ance* betwixt the two Nations, to be *ſincere, perpetual,* and *inviolable*: deſiring They would relinquiſh the demands of " Satisfaction and *MSS. Commun.* " Security, and acquieſce in a Defenſive League, whereby each " Republick ſhould aſſiſt the other with all their forces, to preſerve *Leval Alt.ma* " and defend reciprocally the Liberty and Freedom of the People p. 827. " of both Nations, againſt all that ſhould endeavour to trouble them " by Sea or Land: Never doing or permitting that directly or indi- " rectly, any Act of hoſtility be done to the prejudice of this Alli- " ance, neither that any Counſil or aid be given to the Enemies or " Rebels of the one or other part; But to the contrary, hindering " effectually and really all ſuch and the like enterprizes, and rigo- " rouſly puniſhing the Authors, as it is fitting. This (beſides mat- ters of commerce) was the ſubject of *his Propoſition*, which He con- cluded with a prayer, *That the Great, moſt good, and moſt merciful God, would preſide in their Counſils with his Spirit of peace*, &c.

Thus did He make an introduction to that *Treaty* which the other *MSS. Commun.* *Three Embaſſadours* were joyntly to carry on: They arrived *July* 2. 1653. and all joyned in one Petition for a *common Audience*, praying *thrice-humbly and inſtantly they may have a favourable anſwer to the Pro- poſition made by the Lord* Van Beverningh: *beſeeching the God of peace to co-operate.*

After that their *Credentials* and *Power* had been enquired into, the *Council of State* returned Them a peremptory Anſwer, that " without " ſatisfaction for what had been acted againſt *England*, and befitting " Security, that no ſuch thing ſhould be attempted again, they could " not proceed to any League of Alliance. The *Dutch* replied, that " It was ſtrange They ſhould preſs ſo vehemently for Reparation, *Leo ab Aitzma* " who had ſo effectually ſatisfied themſelves already by the prizes p. 828. " taken, which were ſo many, that the loſs of their Subjects was in- " eſtimable. As to *Security*, They beſeeched them not to doubt the " ſincerity of their Intentions, nor to imagine that their Superiours

" would refuse to secure them by any just means and equitable ways: and prayed a *Conference*.

Many conferences ensued, in which the *English* treated *them* with much *haughtiness*, accordingly as They deserved: They wholly insisted upon *Satisfaction for all the charges they had been put unto*; and for *Security*: declaring that *protestations of sincerity and love, or written compacts* could never assure *them* sufficiently of the *Faith of the Dutch*, or That they would continue *sincere*, who had dealt so treacherously *in attacquing their Fleet*.

Both parties did talk of nothing but *sincerity of affection*, and *integrity of their thoughts and hearts*: Both were *for laying the foundations of a godly peace, the promotion of the Glory of God, the advancement of the Reformed Religion*: Both were impatient *for an eternal, intimate, and strict Union, such as never intervened betwixt two Nations*: But they could not agree upon *the means* wherby all this was to be effected: The *Dutch* were so zealous for the *prosecution of the Glory of God*, and *the benefit of the Reformed Religion*, that they held it a great *Impiety against Heaven*, and a most unchristian deed, to *protract by any Scruple whatsoever* the *strict, good, sincere* and *mutual Amity* betwixt the *two Nations*; because it was so important for the *Honour of God*, and *propagation of the Gospel*. The *Council of State* did not come short of them in *general expressions of kindness*, and the like: but since the matter in agitation did involve the welfare *of the people of God*, and the *support of the cause of God in these Nations*, they could not *betray these* by neglecting to take *requisite security*.

Leo ab Aitzma, p. 828.

Gloriam Dei, propagationem fidei, salutem utriusque populi si spectare velint; sine summâ impietate in hoc bello ob nescio quos scrupulos continuari non posse. id. p. 829.

The *Embassadours* were much perplexed with this *intricate procedure*, and found a necessity to prepare for *another fight*, since the Treaty was thus delayed: They urged the *Council* to come to the *particulars* wherein they would place *their Security*, *July* 15. 1653. To which they received this Answer. That albeit they might justly pursue to the highest point the Article of *Reparation*, yet to shew their *Candour*, and hearty inclinations to the *strict Amity*, they would not aim at *great sums* of money from the United Provinces, very much preferring a Peace upon *just* and *honest grounds*, before any consideration of *that nature*. And as to *Security*, since they were all so well agreed in the *General expressions*, the Council thought fit to declare, that " This State is willing the said Security be, by Uniting both States " together in such manner as they may become one People and Com- " mon-wealth for the good of both: By which means, not only the " present breach will be made up, and the difficulties of adjusting " of each others interest by Articles of Alliance and Confederation " will be overcome, but all occasions of future difference removed, " and the strength and riches of both Nations, which are now em- " ployed one against another, will be united for the common defense " and preservation of the whole. *July* 21. 1653. The *Embassadours* being desired to give in a speedy Answer hereto: " seemed not well " to understand the Proposal: They were very ingenuously and sin- " cerely ready to make and establish such an Union and Confederacy

MSS Comment. Leo ab Aitzma, p. 830.

" with

" with *England*, whereby both the States (conſerving their ſeveral " preſent conſtitutions of Government) may be ſo cloſely United, " and ſo nearly bound together; that they may remain as one people " and one Common-wealth. They were exceeding glad to find that " God had put into the Hearts of their Lordſhips likewiſe, ſo good " and pious intentions: and did beſeech moſt inſtantly, that after " theſe general and mutual declarations, their Lordſhips would de- " ſcend to the particulars which thereto ſhall be judged by them fit " and convenient. *July* 22. 1653. The *Council* returned Anſwer on the ſame day, that " They did not approve theſe delayes; That the " Embaſſadours did not ſpeak about any *Satisfaction* to be given: and " did alſo, where they ſpeak of ſtrict Union, interlace words of *MSS. Comment.* " *Confederation*, and other expreſſions inconſiſtent with the common " and genuine notion of *Coalescence*.

The *Embaſſadours* hereupon replied on the ſame day, That " the " Lords of the Council having expreſſed themſelves ſo, as if they " did not value money in compariſon of a *juſt*, firm and honourable " peace; the Embaſſadours thought they had relinquiſhed the claim *Leo ab Aitzma*, " of *Satisfaction*. That they uſed the term of *Confederation*, becauſe *p.* 83. " their inſtructions were ſo worded; and by reaſon it was moſt ſig- " nificant to that near and intrinſick Union, which they deſired: " They confeſs ingenuouſly, that not having found that word *Coali-* " *tion* in the Anſwer of the Council *July* 21. but that of *Confederati-* " *on* and *Union*, They do not conceive what the Lords of the Council " do underſtand thereby, unleſs they ſhall pleaſe to explicate them- " ſelves.

The *Council* rejoyned: That " as to the *Satisfaction* demanded, the " Embaſſadours did miſ-alledge their ſayings, who only expreſſed *MSS. Comment.* " How *moderate* they would be, but never intended to decline that *Leo ab Aitzma*, " demand totally. As to *Coalition*, it was ſufficiently inſinuated in *ibid.* " their propoſal at firſt: That they did not now urge the *word*, but " the *Thing*; which was emphatically enough declared unto them: " That their intendments were that both Nations ſhould become *One* " in Government, not pretenſions of Amity, and that *they* ſhould in- " diſtinctly fiſh *&c.* with the Engliſh, and the Engliſh indiſtinctly " *Trade* with them every where, *&c.* Concerning *this* their Catego- " rical Anſwer was ſpeedily expected; the Council having clearly " explained their minds concerning Treaties and Leagues of Amity, " and Confederation between theſe Nations; The inſufficiency where- " of to attain the ends of a laſting and durable peace, is apparent by " the attempt and war made upon this State contrary to theſe Trea- " ties, unleſs the ſame may be otherwiſe ſecured then heretofore " they have been. *July* 25. 1653.

The *Dutch Embaſſadours* finding themſelves neceſſitated to reply di- rectly unto the point of *Coalition*, did give in A *Memorial* thereupon, the *which*, and the *Anſwer* of the *Council of State*, were as fol- lows.

To the Lords of the Council of State *of the Common-wealth of* England.

THe ſubſcribed Deputies of the *Lords* the *States General* of the *United Provinces*, having nearer conſidered the Propoſition expreſſed in the paper, which from the ſaid *Lords of the Council* in the *Conference* Munday laſt was delivered to them; find themſelves obliged to declare, that the ſaid *Lords* the *States General* have alwaies had a ſingular *good affection* to the *Engliſh* Nation, and endeavoured not only *inviolably* to obſerve the *Ancient friendſhips* and *correſpondencies* eſtabliſhed by the Treaties of former times; But further, to make a more *firm* and *ſtreight Union* upon grounds of the *common Intereſts* of the *One* and *Other Republick*, and upon the offers of a *mutual* and *more intrinſick Allyance* on the behalf of the *Parliament* of this *Common-wealth*, They have preſently uſed all poſſible means to facilitate the advancement and the concluſion *of ſuch a Treaty*, and have from time to time continued by all convenient wayes, by ſending over their *extraordinary Ambaſſadours*, by *their Letters*, and laſtly by *the* ſaid *Deputies* to reaſſume the *interrupted Negotiations*, and to advance the ſame to ſuch a perfection, that by a Treaty of a *nearer alliance* and *intrinſick Union*, the *Glory of God*, and the *propagation of his Goſpel* may be advanced, and the *liberties* of the *people* aſſured, to the mutual good and intereſts of *both Nations*. And Conſidering the *Lords* the *States General*, have from the firſt beginning till this preſent time proceeded in all the ſaid Premiſſes with an *irreprehenſible candour* and *integrity*, the ſubſcribed *Deputies* confeſs, that the *ſaid Propoſition*, in *ſuch terms*, was *Unexpected*: having never *ſeen*, or heard in any of the *Propoſitions* of former times the leaſt mention of a *Coalition*, or *mixture of the ſeveral Soveraignties*: Fully perſwading *themſelves* that *ſuch Imaginations* had never been in the *thoughts* of either. And becauſe the words *Of a near Union and Confederacy* have alwaies been moſt *proper* and *ſignificant* to expreſs the *ſincere intentions* concerning the *mutual Allyance*, They marvail at it, that now in the ſaid *Propoſitions* of the *Lords* of the ſaid *Council* it is expreſſed, *That nothing more was offered by the ſaid Deputies, but a ſtreight and cloſe allyance between the two Nations, by a League of Amity and Confederation*, being glad that in the *ſame Paper* the *Lords* of the *Council* do openly confeſs, that the *very ſame had been propounded by the ſaid Deputies at their firſt Audience*, and that the *ſame Overtures* have been made *before ever the war began*, and confeſs ingeniouſly that yet *they* are not able to find a more *convenient expreſſion* to the *intention* of their *Lords* and *Superiours*, or to the nature of the *buſineſs* it ſelf; the *intention* of the *Lords* the *States General* having manifeſtly been propounded from time to time, and eſpecially in their laſt Papers dated $\frac{22}{1}$ and $\frac{21}{2}$ $\frac{July}{Auguſt}$ and the nature of the *buſineſs* it ſelf being ſo conform to *this intention*, cannot be *otherwiſe managed*, or expounded; unleſs with the *unuſual novelty* of ſuch a *Coalition* and *Mixture*, all be put in hazard to be imbroil'd in all ſorts of *Confuſions*

and

and *Impoſſibilities*: If the *Treaty* of *Allyance* and *Confederation* of the year 1495. be conſidered, there will be found a *good, ſincere, true, entire, perfect* and *firm Amity, league, confederation*, peace, and *union by Land, by Sea, and the freſh waters, for ever*. And if the *Other ſucceeding Treaties* from time to time be examined, the *ſame*, or *like words*, will alſo be found; but of *Coalition of Nations* and *Republicks*, and of *mingling the Soveraignties* in ſuch manner as is propounded, not the *leaſt mark* will appear, nor in any *former ages* in any *Hiſtories*, or any *Treaty* of any Nation. The *Amphictiones* in *Greece*, the *Aſſociated Cities* in *Italy*, in the firſt times of the *Romans*, who were ſo *ſtraightly* and *cloſely* confederated, that *they* had the *ſame friends* and *enemies*, have yet maintain'd *every one* of them an *abſolute Soveraignty*. The *ſame* is, and hath been obſerved by the *Switzers, Griſons*, and others in *their confederation*; the *Princes* of the houſe of *Burgundy*, having obtain'd by ſucceſſion and time the *Dominion* of the ſeventeen *Provinces*, have endeavoured to *Unite* them Under *one head*, and *ſupream abſolute Authority*; the *Princes* of the houſe of *Auſtria* in the ſame quality, and being ſupported by the *German* Empire, and ſo many Kingdoms, have not only imployed all ſorts of *Policy*, but all their *Arms* and *Forces* to the ſame effect; but the *States* of the ſaid *Provinces*, have not only oppoſed themſelves with all ſorts of *reaſons*, and *remonſtrances*, but at laſt *to maintain their Rights and the Priviledges of their Provinces*, have imployed *their forces* to the utmoſt hazards of their lives and fortunes, and by God's bleſſing have had an *happy Iſſue*, and, being neceſſitated to a *mutual defenſe*, for the future ſtand *united by the moſt compleat and firm confederation that could poſſibly be made*, yet with great precautions of their *ſeveral Soveraignties* and *Priviledges*, which cannot admit any *mixture* and conſequently no *Coalition* ſo qualified as is *here* propounded. And *how* can it be conceived for *us* to joyn or *unite our ſelves* more ſtrictly to *others*, then we are amongſt *our ſelves*? The ſame *incongruities* which offer themſelves *in the general*, would be diſcovered in *the particulars*, if all the circumſtances of *ſuch a Coalition* ſhould be repreſented at large, the *marks*, the *rights*, the *effects*, the *execution* & *practice of Soveraignty* conſidered apart, would include a *thouſand impoſſibilities*, which are needleſs to ſpecifie in this Paper; Aſſuring themſelves that the *Lords* of the *Council of State* do eaſily comprehend them.

This is falſe; it being uſual in the *Roman Empire* for ſeveral *Cities* and *Countries* to be *incorporated* by *Coalition* into the *City* of *Rome*. The *Soveraignty* being thereby *mingled*, and yet the *Municipal cuſtoms* and *Laws* in many things, or *totally* remaining diſtinguiſhed.

They *cannot* becauſe They *will not*. The *Union of Utrecht* doth not merit the name of a *firm Union*, the which *every Province* breaketh when *They* pleaſe. If it had been by *entire Coalition*, it had been more *political* and *valid*: As the *Government* and *Strength* of *Italy* was more *regular* and *compact*, when all the *Cities* were reduced into *one Republick*, then when the *Cities* were, with *diſtinction of Soveraignties* confederated *offenſively* and *defenſively* together.

And to Anſwer again to *this Propoſition*, the ſubſcribed *Deputies* are obliged to ſay, that having been invited hither to a *negotiation honourable* and *juſt*, They cannot comprehend that the *Lords* of the Council would now retard a buſineſs of ſo *high a conſequence*, for *circumſtances* which they themſelves cannot but judge *impoſſible*; but will rather condeſcend to *reaſonable Articles* and *Conditions* by a *Treaty*

tending

tending to a *firm* and *mutual union* and *confederacy*, wherein might be found the *reciprocal ſatisfaction* and *ſecurity* ſo much deſired. And if, contrary to their expectations, the *Lords* of the *Council* perſiſt ſtill in the *ſame reſolutions* expreſſed in their laſt Paper, the ſaid *Deputies* will be neceſſitated to return to their *Superiours*, to relate and give an account to them of *their negotiations* here. And to that end, do earneſtly deſire that as ſoon as poſſibly they can, the *Lords of the Council* will be pleaſed to afford them the opportunity of taking *their leaves*: being very ſenſible, that after more then *five weeks* expectancy, *they* ſhall be forced to return without any effect of their *wiſhed* and *ſincere intentions* ſo often reiterated in their ſeveral Papers.

Proteſting *before the Almighty God*, that to *their Power* they have not been wanting to ſet a *juſt* and *fitting* period to this *bloody* and *Unchriſtian War*: and will be no wayes guilty of the *Innocent blood*, and *ſad inconveniencies* that will of neceſſity fall upon *both Nations*, they having ſuch *pregnant Reaſons* to ſeek *each others* mutual good and proſperity.

The Anſwer of the Council *to the aforeſaid Paper.*

THe *Council of State* having peruſed the Paper which the *Deputies* of the *Lords the States General* of the *United Provinces* ſent unto them upon Wedneſday night at ſeven a clock; do confeſs themſelves to be very much *ſurpriſed* therewith, having in no ſort expected the *Anſwer* given *thereby* to the *Propoſition* of the *Council* conteined in their *laſt Paper* delivered unto them in a *Conference* the Monday before: and cannot yet comprehend the particular *reaſons* and *grounds* which have moved their Lorſhips thereunto. And therefore find it neceſſary to declare, that having *ſeriouſly weighed* and conſidered with themſelves the *true Intereſt* of *both Common-wealths*, the *ſtate* and *poſture* of each others affairs, and the *grounds* and *cauſes* of the *preſent differences*, with the *ſecurity* which *this State* was *in juſtice* to expect; It was not *obvious to them* by what *other means* this *breach* could be throughly *healed*, a *peace ſecur'd*, and *thoſe ends* profeſſed by *both ſides* to be aimed at in *this preſent Treaty* accompliſht, then by the *Uniting both States into one Common-wealth*, whereby a *ſecurity* would not only be obtained, but *great advantages* ariſe out of it to *both States*, eſpecially to the *people of the United Provinces*: which is ſo *demonſtrable*, that if the ſaid *Deputies* had by their Anſwer given opportunity for the Conſideration of *particulars*, inſtead of having under the *General* terms of *Confuſions*, *Impoſſibilities* and *Novelties*, condemned and concluded *againſt it*, upon *Allegations* that *they have not found ſuch Coalition and mixture of Soveraignties in the firſt times of the Romans, or in the Hiſtories of former Ages*; No doubt would have remained concerning the *Candour* and *entire affection* of *this State* in the propounding *it*, or of the *real benefits* which would accrue *thereby*: and *it* is ſuch an Inſtance of *friendſhip* and *good will* on the part of *this State*, that (all circumſtances conſidered) *no age can procure a Parallel.*

And

And therefore the *Positive refusal* of *this Tender* is no less strange unto the Council, then it is to find also in the same Paper, that the said *Lords Deputies* do confess openly and in express terms, that *no more is meant by their often repeated words of* more Intrinsick Union, and close and straight confederation, *that what is contain'd in the Propositions offered by them at their first Audience*, whereby they do demand *free trade* to the *Islands* and *Plantations* of this *Common-wealth* in *America*, prohibited by an *Act* of *Parliament* to *all Strangers*; and in the same Article restrain this *Common-wealth* from trading to *their Plantations* in the *East-Indies*, or elsewhere, save in *Europe*: the recalling, *as to them*, the *Act* lately made for the *Encouragement of Trade and Navigation*, & the taking away of *Strangers-Customs*, liberty for their people *to buy land* in these *countries* equally with the *Natives* Nay, by the first article of *these Propositions*, They do *in effect* demand to share with *this State* in the *Soveraignty of the Narrow Seas*, and *in their rights of Fishing*: so that whereas the *Council* did propound the *Uniting of the two Common-wealths into one*, whereupon would follow an *equal communication of all privileges and advantages without distinction of Place or Persons*, and wherein the *Advantage would be to the People of the United Provinces* in respect of the *greatness of this State*, the *multitude of Ports*, the *fishing*, and *other Advantages* which the *Netherlands* have not: they on the other part would *unite in an allyance so farr, as might only give to One side a right to what is peculiar to the Other.*

These *Propositions* with the *Reply* of the pretended *Parliament*, are recorded in *Leo ab Aurora*, p. 7, 8 &c.

And *these things* being askt and *vehemently insisted* on by the Three *extraordinary Ambassadours* of the *United Provinces* before, and at the time of the *Attempt* made by their Admiral *Tromp* upon the *English Fleet*, and the *same* being now again *revived*, and *prest in every Paper*, as it cannot be *otherwise understood*, but that the *Present War was begun in a great measure to obtain these by force*, seeing they were not likely to be had by a Treaty, *so doth it so much the more justifie the demand of this State for satisfaction*, and concern them to insist upon *security for the future*; which latter *they* have not in any of their Papers confined to *Coalition*, as excluding *all other wayes* or means of *security*, having propounded it *no otherwise*, but as that which in their judgment "is most just and equal in it self, most honourable and profi-"table unto both, most easie and practicable in respect of the present "difficulties; and lastly the most likely means by the blessing of God "to obviate and prevent the designs of the Enemies to the Interest of "Christ and his People in both the Nations.

And seeing the said *Lords Deputies* are of another mind, *the Council* did expect to have understood from them by what other *particular wayes* and *means* this State shall be *secured* (nothing having hitherto been propounded *by them*, but what gives rather ground of *Jealousie* then *Confidence*) with their direct Answer to the Demand of *Satisfaction*, that thereupon the *Council* might speedily have applyed themselves to a *reasonable* and *moderating ascertaining of the sum*, & are sorry that after six weeks time *They* have not been able to obtain *either*. Notwithstanding *this State* have not omitted at large to explain and evince

the *juſtice* and *reaſonableneſs* of their demands on *that behalf*; nor to declare the ſame by *their Letters* writ as well to the *States* of *Holland* as to the *States General* before the ſending of the ſaid *Deputies* hither, expreſſing themſelves therein " ready to proceed upon the ſame " grounds for making up the preſent breach, as formerly they of- " fer'd in Anſwer to that part of the Paper of the Lord of *Hempſted*, " deſiring This State to propound what might be juſt and reaſonable " for compoſing the preſent differences; and without other altera- " tion then what is incident to that which hath ſince happened in this " unwelcome War: which the ſaid *Deputies* themſelves acknowledge in their ſaid laſt Paper to be an *Invitation honourable and juſt*: and Therefore the *Council* doth the leſs underſtand why " They delay to " conform themſelves thereunto, Seeing no more is inſiſted now " upon, then was plainly expreſſed in the afforeſaid Letters, which " they call their Invitation hither. And this being in brief the *true State* of the Proceedings hitherto, if the ſaid *Deputies* of the *Lords* the *States General* ſhall judge it beſt for the Intereſt of *both States* and the *Proteſtant Religion*, to return home without giving any *ſatisfactory anſwer* to the Demands of *Reparation* and *Security*, and thereby leave the Nations *imbroyled in this bloody War*, when it is put into their power *to End it*; Although the *Council* cannot deny to give them *Audience* to take *their leaves* at what day and hour they ſhall deſire it, yet *this State* will be able " to acquit themſelves before the Lord and all good " men, that with all uprightneſs and ſincerity they have contributed their Endeavours to " make up the breach, and to unite the two Na- " tions more firmly and entirely then heretofore.

This Paper amazed the *Dutch Embaſſadours*; it being manifeſt that the *Engliſh* were *inexorable*, and reſolute not to entruſt their *future ſafety* and *peace* upon any *pretenſions*, *promiſes*, or *aſſurances* which the *United Provinces* could give *them*: that it was impoſſible to divert them from *theſe ſentiments* by any Artifices, or by the interpoſition of any *forreign Prince*, in regard that the *Council of State* had declined the *mediation* of the Crown of *Sweden*, telling Mr. *Lagerveldt*, Embaſſadour thence, that " They thanked Her Majeſty of *Sweden* " for the zeal which ſhe expreſſed for the reſettlement of peace be- " twixt *England* and the United Provinces: That the Parliament ho- " ped, and did pray to God, that the hearts and minds of the States " General might be ſeriouſly diſpoſed to accept thereof. Wherefore they deſire a Paſs for *two* of them, *W. Nieuport* and *Allard Peter Jongſtall* to go unto the *Hague*, there to give unto *their Superiours* a full relation, with all the circumſtances of theſe proceedings. The which was readily granted, *Aug.* 5. 1653. The Council adding, That as " They had omitted no juſt and fitting means to teſtifie their readi- " neſs to a peace with the United Provinces: ſo do They continue " the ſame good intentions, and ſhall ſtill contribute their endea- " vours to effect the ſame, for the mutual good and ſecurity of both " States, upon the grounds and principles expreſſed in their former " Papers.

Leo ab Aitzma, p. 818.

The

The *Embaſſadours* Mr. *Van Beverning*, and *Van de Perre*, which remained in *England*, omitted not to ſollicite *any perſons* that they thought might influence the *Council of State*: The total defeat of their *Naval forces*, accompanied with the Death of *Van Trump*, enſued the departure of *thoſe Deputies*, and the *States General* were about the ſame time acquainted with the *demand* of the *Council of State*, and with the Succeſſes of the *Engliſh* under the Admirals *Blake* and *Monk*, who had ſunk and fired about thirty Men of war (no *quarter* being given till the end of the *battail*) ſix Captains, and about a thouſand Men were taken priſoners, and about ſix thouſand ſlain. This added much to the *courage* of the *Engliſh* Nation in general at home, and to their *renown* abroad: the *Royaliſts* had no commiſeration for the *Dutch*, becauſe *they* had refuſed to mix the intereſts of the *King* with thoſe of the *United Provinces*; from whence *They* did collect that the *Hollanders* did really intend the *ſubjugation* of *England*, and that their purpoſe was to reduce the Nation to a perpetual dependence upon *them*, as to *Navigation* and *Commerce*. The *Parliamentarians* did not doubt of the *ſiniſter ends* of the *Dutch*, and that *They* moſt *perfidiouſly* intended the deſtruction of the *Engliſh* Fleet: The *Munſter*-peace was freſh in every ones Memory, and none could promiſe to themſelves any ſecurity in the *Leagues* and *Promiſes* of the *Hollanders*, who had ſo horribly deluded *France*: The point of *Coalition* ſeemed moſt *juſt* and *equitable*, ſince it brought the *Dutch* into that *condition* which they begged upon *their knees* to be received unto in the dayes of Q. *Elizabeth*; and the effects of all the *Engliſh* conqueſts appeared *moderate* and *Chriſtian*, being to terminate in the making an *union of the two Nations*, and putting the *vanquiſhed* in the *ſame eſtate* with the *Victors*: As to the *dominion of the Sea*, none doubted that it was the *Right of England*, and that *we* ought not to abandon it, and ſuffer the encroaching *Dutch* to grow too *potent* thereon: nothing being ſo certain as this, That "the Dutch, whereſoever they mingle themſelves, do under-"mine and deſtroy the Trade of all other Nations that reſort unto "thoſe parts. The *Convention* ſummoned by the *Council*, and vulgarly ſtiled *Praiſegod Barebone's Parliament*, were as averſe from the *Dutch* as any men: They looked upon "them as car-"nal and worldly politicians, Enemies to the King-"dome of Chriſt, and ſuch as would, upon all occa-"ſions, retard the progreſs of the Saints and Peo-"ple of God, in overturning the powers of this world: "that Antichriſt, the Man of Sin, could never be de-"ſtroyed in *Italy*, whilſt the Dutch retained any con-"ſiderable ſtrength in the United Provinces: The *Nicety of the Flag* they did not much inſiſt upon, nor aſſert the *dominion of the Seas*, but they did hold it neceſſary, *in order to the coming of Chriſt*, and the *perſonal Reign*, that the *Seas ſhould be ſecured, and preſerved as peaceable as the Land*, and that all *Powers*, whether by *Sea* or *Land*, ought jointly to ſubmit unto the *Sceptre* of King *Jeſus*, whoſe *wayes* They, and

At *Black-friers* Meeting, they pronounced all the *Reformed Churches* (but eſpecially the *Dutch*) to be as the *out works* to *Babylon*, and that *they* muſt be taken down, before there could be any coming at the *main fort*. They did *devove* them to deſtruction, and preſaged *their deſtruction* out of ſeveral *Texts of Scripture* accommodated thereunto.

not the *Hollanders*, were to prepare. As for the procedure of the *Dutch* by way of *Petition*, they thought it might be continued, ſince the power of the *Council of State* was *all one with that of the Saints*, and theirs derived from Him *to whom all power is given:* And upon *that account* the *Dutch* ought to continue their addreſſes of *Meſſeigneurs* and *Tres-illuſtres Seigneurs, moſt honourable Lords*, unto the ſaid *Council*, not in that *ſenſe* wherein it is forbid by the *Goſpel*, but in that whereby our *Lord Chriſt* aſſumes ſuch *Titles*, and likewiſe confers *them* on *the Saints:* that the *ſignification*, not *ſound of words* was to be attended unto: that there is a great *equivocation in Language*, that *King* and *Kingdom*, *Power* and *Dominion*, are names equally communicable to *Chriſt*, and *Satan*, but yet there is a vaſt *difference* in their import on ſuch *diſtant caſes:* The *Saints* therefore might *tolerate them* without *ſcruple*, and the *Dutch* ought not to refuſe *them*, leaſt it ſhould be deemed a *rejection of the Kingdom of Chriſt* which was now *approaching:* that the *Dutch* ought *to kiſs the Son, leaſt he be angry and they periſh*; and ſhould have a care how *they* contemned his *holy ones*, leaſt they were chaſtiſed with the *rod of Iron*. In fine, ſo little did they value theſe *empty Titles* in reference to the world, that if the *Deputies* would ſalute every *maſtiff dogg* or *barking curr* in *England*, with the complement of *Monſeignor*, they would not reſent it as an *Indignity*. The *Embaſſadours* were now more *perplexed* then before, it was difficult to *treat* with, and impoſſible to prevail upon *theſe Men:* they were now in danger to be abſolutely ruined as *Enemies of Chriſt*, rather then of *England*, and a *Coalition with England* would not ſatisfie, except *they* likwiſe annexed *their Provinces* unto the *Fifth Monarchy*.

In *Holland* the diſtractions were ſo great, that the *common people* obeyed no longer *their Governours*, The *Placarts* of the *States General* were deſpiſed, and *They* in danger to be plundered and ruined by the *ignorant* and *impetuous* rabble: However the *Provincials* met and conſult about *new Inſtructions* for their Embaſſadours in *this juncture:* The opinion of *Holland* was, that *The Coalition* ſhould never be aſſented unto: but a *ſtrict League Defenſive* ſhould be proffered, in the ſame manner as before: that *They* ought to contract *forreign Amities*, eſpecially with *France*; and equip out a *Fleet* with all poſſible expedition. The other *Provinces* adviſed that aſſiſtance ſhould be given to the *Scots*; and no *ſatisfaction* yielded unto the *Engliſh*: and that a *League* ſhould be made with *France*, *Brandenburgh*, and the *German* Princes. After this *Nieuport* and *Jongſtall* depart for *England*, with *inſtructions* to protract *time* according as they ſaw *diſorders* to encreaſe there upon the *male-governance* of that pretended *Parliament*; to be ample in the *Generals* concerning the defenſe of the *Reformed Religion*, and of the *houſhold of faith:* to reject the *Coalition* abſolutely, and to offer a *ſtrict* and *intimate League*, but dealing as tenderly as They could in point of *Reparation*, *Satisfaction*, and *Security*. Being come to *London*, their *Reception* was ſomewhat cold: The moſt *ſecret tranſactions* of the *States General* were known to the *Council*, as alſo

Leo ab Aitzma, P. 853.

their

their *private Inſtructions*: They knew alſo that *They were diſtracted into* innumerable *factions* at home, the which were not to be *reconciled*: That *Holland* complained it was exhauſted by the *loſſes* they had ſuſtained, and *contributions* paid in this war: that ſome other *Provinces* excuſed themſelves by *their poverty* from contributing to the publick: that they were afraid leaſt the Electors of *Colegne* and *Brandenburgh* ſhould repoſſeſs *their Towns*, or the Emperour, in right of the Empire, *ſeize them*: They were jealous of *Spain*, and uncertain leaſt *France* ſhould reſent the *Munſter*-peace, ſo as to delay their *Amity*: Neither was it to be doubted but that all theſe *Princes* would make *them dearly purchaſe their Allyance*: nor was it *poſſible* for them ever to *man forth their Fleets*, ſo great a conſternation had the *laſt fight* and the death of *Van Trump* infuſed into them. The *Fifth-Monarchiſts* were animated againſt *them* by the news of *their Forreign Alliances*: It was no more then was *propheſied in Scripture*, and in courſe to be expected, that the *Gentiles ſhould rage*, and *the Kings of the earth* ſet themſelves againſt the *Kingdom of Chriſt*: but they ſhould all fall before him, and be broken to pieces: They were fierce to encounter *Gog* and *Magog*, and, by a *ſeries* of victories, inflamed to the combat with *this Antichriſtian hoſt*.

After the *Deputies* had conſulted together a *few dayes*, they repaired to Mr. *Jeſſop*, *Octob.* 27. 1653. to deliver this *Petition* to the *Council* in *French*, and *Engliſh*.

A Meſſeigneurs dú Conſeil d' Eſtat de la Republique d' Angleterre.

"THe ſubſcribed Deputies of the States General of the *United Provinces*, being charged by their Superiours to propoſe to "the *Council of State* ſeveral points of importance, doe thrice-*humbly* "and *inſtantly* beſeech, that to them favourable Audience may be "granted as ſoon as it is poſſible, and the important affairs of the "ſaid Council will permit.

It is obſervable, that in the *French* they ſtile the States General, *Meſſeigneurs les Eſtats generaux*, which they omit in the *Engliſh*.

On the next day They obtained Audience, *Octob.* 28. 1653. and with great ſubmiſſions delivered the following Paper in *French* and *Engliſh*.

The Tranſlate *of the ſaid Paper in* Engliſh, *as the ſame was then delivered by the ſaid* Deputies.

Moſt honourable Lords,

OUr fellow Deputies *Nieuport* and *Jongſtall* (having with all integrity and fidelity related to the *Lords* the *States General* of the *United Provinces*, all the Propoſitions which on *our part* ſince our firſt arrival here, have been exhibited to *your moſt honourable Lordſhips* and the *anſwers* which *you* have been pleaſed to return) are come back again with *expreſs orders* of our *Lords Superiours*, that we *together* ſhould make

make our addreſſes again to *this moſt honourable* Aſſembly, and renew yet *once again* the moſt *ſincere* and *cordial proteſtations* of their *inviolable affection to this Common-wealth*, and have charged us to declare, that "as, in general, the name and bloody effects of ſo ſad a war are to "them moſt abominable, ſo, more particularly, they deteſt it in re-"gard of the Government and Nation, wherewithal They are ingaged. We are likewiſe perſwaded that there are no *Chriſtian conſiderations* nor *rules* nor *maxims of State*, or *particular reflections* which do not oblige Us *reciprocally* to *joyn* and *unite* us cloſely and firmly with *heart* and *affection*, of *Will* and *Deeds*, againſt the machinations of *all them* who endeavour to diſturb, together with the *truth of God* and *his holy Word*, the *common intereſts* of *both Common-wealths*. We conſider alſo that all *Soveraign powers* are from *God*, and that the *ſame Lord of Lords* hath ordained *them* to the *Glory of his bleſſed Name*, for the *advancement of his Truth*, and the *lawful liberty* of his people.

Oh! the extraordinary affection they bear to a *Republick*, and to the *Fanatick Engliſh!*

The *neceſſity* of the *Dutch* to joyn with *thoſe Engliſh* againſt the *King* and *Royaliſts*.

A *Dutch* Complement to the *Parliament* of *Praiſe-God Barebones*.

We conſider further, that the *form* and *conſtitution* of our Governments, and the *intrinſick intereſts* of *both Nations* do lead and invite us, yea *urge* and *preſs us* to a *ſtreight* and *ſure union*, for the diſcharge of our duties of *piety* and *juſtice which we owe to God and the People of both States*: And finally we conſider, that we are *reciprocally* obliged to ſtop and prevent the *further effuſion of innocent blood of the Profeſſours of the ſame faith*, and to maintain with a mutual agreement and withall our forces, *the Cauſe of God, and his holy Goſpel*.

Therefore *moſt honourable Lords*, for the *Glory of God* and the *love of his Truth*, and the *welfare of both States and Nations*, let us joyn our *hearts*, our *hands*, our *wills*, and all *our forces* againſt *all them that ſhall undertake to attack and diſturb us by Sea or Land*. We proteſt *before God*, who is a *Judge of the integrity of our intentions*, that we offer *you Ours* with all *candour* and *integrity* expecting of *your Generoſity* the like from *your Lordſhips*. The *merciful God*, we hope, will preſerve and keep *us* from the abomination of the *Midianites falling by their own ſwords*: and from the puniſhment of *Iſrael*, when *Ephraim did riſe againſt Manaſſeh*, *Manaſſeh againſt Ephraim*, *and both together againſt Judah*. Truly that ſaying of the Apoſtle is infallible, *If we do bite and devour one another, the one ſhall conſume the other*. Let us rather, as *Gods people*, be as *one body*, and *march as one man*, that *England*, as formerly, be a *nurſing mother* of brave men to maintain *our goods* and *liberties*; and the *united Provinces* a *Bulwark to this Common-wealth againſt all who ſhall preſume to diſturb the Conſtitution of your Government, and the juſt intereſt of both Nations*; ſo that thoſe that attack *your liberty*, may be regarded as attacking *our Government*, and thoſe that ſhall provoke *our State*, as if provoking *yours*.

It is obſervable, that from the firſt beginning of the Treaty with Mr. St *Johns* at the *Hague*, in *June* 1651. until the *end of the wars*, All the tenders of a *defenſive Allyance* with the *Engliſh*, did originally and *voluntarily* proceed from the *Dutch*: who did at firſt offer to enter thereinto in *their* 35 *Articles* tendered to Mr. *St. Johns*, and the *Council of State*, before the War.

To that end *we* do propound, on the behalf of our *Lords* and *Superiours*, that there may be eſtabliſhed between *both States* and *Nations*, to the *glory of God*, the *advancement of his Truth*, the *protection of the Profeſſours of the ſame Faith*, the *liberty of our States*, the *freedom of our People*, and the *lawful defence of their common intereſt*, a *ſtreight faithful* and *everlaſting league* in the beſt form; and with *ſuch expreſſions*

and

and *comprehenſion* of the *mutual intereſts*; ſo *firm* and *intrinſick*, as ever between *two Soveraign States* hath been, or can be made and eſtabliſhed. And to faſten it with a more firm, more ſtraight, and more ſure knot, to the end aforeſaid, that *this* Union may be extended to the other *Proteſtant States* of *Chriſtendome*, and ſuch as *protect* and *tolerate* the *free exerciſe of the Orthodox Reformed Religion in their Dominions.*

And for the greater aſſurance of this *mutual ſecurity*, that neither ſhall make any *Treaty* of *Alliance* or *Confederation* with any *State*, *Prince*, or *Potentate* in *Europe*, without the *knowledge*, and *communication* of the other, to be comprehended in the ſame, if they think it convenient: and however, that in the ſaid *Alliances* and *confederations* nothing ſhall be concluded or eſtabliſhed, which ſhall be any waies *prejudicial*, much leſs *contrary* to the Articles of this *ſtraight and ſure Union*, which we deſire might be eſtabliſhed between the *two Republicks.*

And whereas the *conſent* and *agreement of ſuch an Union* ought to be a *ſure* and *ſolid foundation*, whereupon, *in purſuance*, many other intereſts and particular conveniencies may be ſetled. The *Lords the States General*, have thought fit that we ſhould *begin* with the *ſaid Propoſition*; and have given us ſufficient Inſtructions *upon all particulars thereto belonging*; And therefore *we moſt earneſtly beſeech your Lordſhips*, that, after a mature conſideration, you will be pleaſed to appoint us *Commiſſioners* well inſtructed, to confer and debate together *the particulars of it.* And becauſe that *time* is much conſiderable for many reaſons and reſpects in *this buſineſs*, We wiſh it may be as ſoon as the important affairs of this *illuſtrious Council* will any ways permit.

They deſire in the *firſt place* to begin with the *Union of all Proteſtant States*, for the *advancement of the Truth and honour of God*, and the *protection of the profeſſours of the ſame Faith*: And this out of compliance with the *Fifth-Monarchiſts* then reigning.

The Commiſſioners of the *Council of State* did not comprehend by theſe *General overtures* what the *Dutch* intended, except it were to amuſe them in their preparations and counſils: Wherefore *They* deſired (at a conference *Octob.* 31.) that They would *in writing* explain themſelves more *particularly*: which they did in a *Paper* tendered *Nov.* 3. wherein *They* gave *them* a brief *Analyſis* of their firſt addreſs: *viz.* that it conſiſted of *three Articles.* 1. In the firſt *Article*, there were two points: *viz.* "The propagation of the holy Goſpel, with "the protection of the Profeſſours of the ſame Faith. And a ſtraight, "faithful, ſure, and everlaſting Union betwixt the two Commonwealths: For the firſt, "They are of opinion, that it ought to be "concluded in general Terms, with ſuch an intention, that if it happeneth that any particular wrong or prejudice be done againſt it, "and the profeſſors of the ſame faith be any where oppreſſed, That "both States ſhall agree according to the conſtitution of times and "affairs, concerning the means by which they ſhall be beſt able to "redreſs it. And to the next point, "That this ſtraight, firm and "intrinſick Union, ſhall comprehend all the publick and private in-"tereſts of both Common-wealths, for to maintain and preſerve them "againſt all thoſe, whoſoever they be, without any exception, that

"ſhall

" ſhall undertake to croſs, attack or diſturb them by Sea or Land;
" and concerning the means wherewith the ſame with Gods bleſſing
" is to be effectuated, and the aſſiſtance that is mutually to be given,
" they are ready to confer and agree with their Lordſhips, either
" that it be generally expreſſed, or ſpecified.

2. To the ſecond Article, " They think it convenient (to adde a
" greater efficacy to the aforeſaid ends) that the proteſtant States
" be invited and comprehended in this Union, as the proteſtant *Can-*
" *tons* and Free Towns of *Germany*, together with the Proteſtant
" Princes there, and the Crowns of *Sweden*, *Denmark*; and *France*
" alſo, ſince they are there tolerated and protected.

3. The third Article " being perſpicuous and couched in ſignifi-
" cant terms, they think it needleſs to expound it with other parti-
" culars, as not requiring any further agreement: the ſubſcribing
" Deputies perſuading themſelves that it is an infallible and neceſſa-
" ry conſequence, that after the Concluſion of ſo ſtrait and ever-
" laſting an Union, there ought to be ſuch a Correſpondence and
" confidence, that never any thing be done and undertaken againſt
" the mutual good and intereſt of either, or of both Commons. Be-
" ſeeching therefore moſt inſtantly, that their Lorſhips would a-
" gree to the aforeſaid Articles, *&c.*

This Paper being read in the *Council*, ſo far incenſed *them*, that They would not vouchſafe any Anſwer *thereto*, though the Embaſſadours did twice (*Nov.* 7. *y.*) " beſeech the moſt Honourable Lords
" of the Council to gratifie them, as ſoon as might be, with a favou-
" rable anſwer and reſolution to the ſaid Propoſitions and Memo-
" rial.

Some there were, who apprehended that the *Analyſis* was *contumeliouſly penned*, as if by ſo *many ſubdiviſions* the *Godly* (that uſually preached) had been ſcorned; Theſe aggravated the *Dutch* inſolence: Others concluded that *the whole procedure* of the Embaſſadours was *dilatory*, and inconſiſtent with the *preſent diſtractions* at home (that *Parliament* having irritated the *Clergy* and *Nation*, and dangerous *factions* encreaſing) and with the greatneſs of the *Naval exploits*: that there was no *ſincerity* in the *Dutch* proteſtations of *Faith*; no imaginable *Truth* in their expreſſions of ſo ardent a *Love* for the *Engliſh*; which the continual *Libels*, and infamous *pictures* did proclaim, and any man might *conjecture at* by eſtimating what *dammage*, what *diſgrace* the victorious *Engliſh* had done unto the *United Provinces*. That it was intolerable in *them* not to propoſe any *reparation to the Engliſh*, nor any acknowledgment *of thoſe Rights* which they had ſo *openly* and *perfidiouſly* violated, and the vindicating whereof had coſt ſo much *Chriſtian blood*, and *Treaſure*. If matters paſſed *thus*, the *Dutch* would inſinuate it, and the world would be prone to believe, that the *Engliſh* did *unjuſtly commence the war*, and were guilty of *all the blood* ſhed *therein*: That 'twas unreaſonable for them to deſire to be informed of all the affairs of the *Engliſh* State, when *they* could not *reciprocally* perform the like to *England*; It being evident, that though the *States*

General

General ſhould undertake to *do it*, yet *ſuch* is the conſtitution of that *Government*, ſo weak the *Union*, that each *Province* can manage the *higheſt affairs of State ſecretly* and *ſeparately*, as appeared at the *Munſter-treaty*, in the *late* addreſs of *Holland* for peace, and at other times: and the *Province* of *Holland* alone gives laws to the counſils of the *States General*, by *paying* or *refuſing their moneys*, as they pleaſe. It did rather become the *Engliſh* now to *impoſe*, then *receive Laws*: This is the *Right of Conquerours*, and that the *fortune* of the *vanquiſhed*: That The *Engliſh* ſhould be *falſe to themſelves*, and *unworthy of the preſent mercies* God had ſhewed them in *this war*, If they did not improve this opportunity to a *ſafe peace*; If they reaped no other *benefits* thence, then a little ſpace to *breath*, and prepare for *new engagements*. A *Coaliti n* being thus *arrogantly* and *obſtinately* rejected, by which *we*, in a moſt *Chriſtian* manner, would have *done by them as by our ſelves*, reconciled all intereſts, ſecured all quarrels for the future, and as it were entailed peace upon *both Nations*: We muſt *eſtabliſh our ſafety* by *other means*, which if *rigorous*, are yet *juſt* and *Chriſtian*, becauſe they are *neceſſary to our juſt preſervation*, and put in practiſe againſt *thoſe* who by an *unjuſt war*, and a *fallacious way of treating*, have ſubjected themſelves to the *extreameſt courſes*. If *They* cannot endure to live as our equals by *Coalition*, We muſt *continue* them ſo far our *Inferiours* (not by *ſhadows*, but *ſubſtantial* contrivances) that they may never attempt *this Nation* again. Let us make them pay the *uſual Submiſſions* at Sea; this is due to *your repute*: Let them pay for the *Liberty of Fiſhing*: this is due, as you are *Soveraigns of the Sea*: Let them pay for *Convoyes*, and eaſe themſelves of the charge of *Wafters*; 'tis *you are* the *proper Guardians of the Britiſh Seas*: Let them never equip any number of *great Ships*, without giving you a real account long before of *their intentions*, and ask leave to paſs *your Seas*; and to all this, adde but the payment of ſuch a ſum as will *ſatisfie this war* (which in *conſcience* they ought to reimburſe) and make "reparation "to each Merchant for the damages ſuſtained by them in ſeveral parts of the world (which to *demand*, is a diſcharge of the *Truſt* this Nation repoſeth in Us) and if *you gain theſe points*, you will contribute as much to a *firm everlaſting* peace as *humane* prudence can attain unto.

After ſome debates of this nature, the Council ordered a *draught* to be *framed* of ſuch Articles as might be the "foundation of a "ſtraight, firm and everlaſting League, and which might prevent "all matter of future quarrels and wars: and appointed a *Conference* with the Embaſſadours, *Nov.* 17. 1653. the which was principally managed by *Cromwel*, who (though *He* did nothing in the point of *Coalition*, or in the *recited adviſe*; then the *caſhiered* Members of the Long Parliament *deſigned* and *ſuggeſted*) intended to purſue his *ambitious projects* by ſeeming the *ſole manager of this affair*, and by whoſe aid the *Dutch* muſt expect to find the *conditions moderated*. *Leo ab Aitzma* p. 857.

Cromwel began his diſcourſe with large proteſtations of the *ſincere* and *great deſires* of the *Parliament* to make a *firm peace* and *intimate U-*

 nion

Cum ipſiſſimâ divini nominis invocatione teſtatus de ſincera Concilii intentione & affectione erga fœderatum Belgium; & Angliam ipſam Parlamento carioremnon eſſe, quàm dicti Belgii curam. id. p. 844, 846.

nion with the *United Provinces*: He layed his hand *upon his breaſt*, and called *God to witneſs*, that the *Council of State* had a moſt ſincere and hearty affection for the *United* Provinces; and that the *Parliament* (being *Fifth-Monarchy men!*) was ſo devoted to do them all good offices, that they equally ſtudied the welfare of *England* and the *Netherlands*: As an evident teſtimony thereof, They had propoſed this *Coalition* of people, by which they might unite the *intereſts*, as well as *hearts*, of *both Nations*, and *communicate the felicities of England* with their *good neighbours* of the *United Provinces*: But ſince it had pleaſed the *Deputies* to decline that ſo *amicable* and *extraordinary* offer, and to inſiſt upon a "confedera-

id. p. 8, 6.

"tion and ſtricter Union then ever had been before, The *Commiſſioners* were ready to enter upon *thoſe debates*, proteſting before God the ſearcher of hearts, and from whom nothing is concealed, "that "They hated war, and deſired peace, eſpecially with the United "Provinces. And although *They* thought they had great reaſons ſtill to inſiſt upon thoſe preliminaries about *Satisfaction* and *Security*, the which demands They found to have been *enacted* and urged by the *late Parliament* yet they did intend frankly to lay open *their very boſoms* unto the Deputies, and acquaint them with Their further thoughts. It is an agreed thing on both parts, that the *Peace* here agitated is not an *ordinary one*, but a moſt "ſtreight, intrinſick, everlaſting Amity "and Union, ſuch as never was heretofore betwixt two Nations: To effect *this*, 'tis requiſite that *all obſtacles*, *all ſuch ſcruples* be removed, as may at any time give occaſion to *new quarrels*: the ſeveral *Rights* of both Nations muſt be *clearly adjuſted*: and therefore in the firſt place, *and before any thing elſe*, thus much muſt be yielded to the *Engliſh*, that "They are Lords of the Britiſh Seas, and Proprietours "of the fiſhing therein: Theſe two things being premiſed and granted, all ſubſequent Articles would admit of a facile determination.

The *Dutch Embaſſadours* were ſomewhat amazed at *this Harangue*: the profeſſions of *great ſincerity* and *affection* (with appeals to God) animated them a little: the paſſing by the Articles of *Satisfaction* and *Security*, with a promiſe to deſcend to *plain* and *ſpecial Articles* made them hope for a good iſſue of *this conference*: But whither *They* did intend to *protract the time* in expectation of *thoſe neceſſities* whereinto the *diſtracted Government* of *England* was then *running*: or apprehended that *This unuſual condeſcenſion* was the effect of an *alteration for the better* in the minds of the *Council*, or the product of ſome *unknown fears* in *them* (whereupon they intended to take advantage) or whither *They* acted *cautiouſly* and *prudently*, as ſuſpecting the *favours* of Men in open hoſtility with Them: Certain it is, *They* replyed with a great deal of *reſervedneſs*. Firſt They proteſted, that nothing They ſhould *ſay* by way of *diſcourſe*, nothing that ſhould perhaps *ſeemingly* be agreed unto, and admitted of, ſhould *any way* oblige them to *adhere* thereunto, except the *whole Treaty* took effect, and were concluded upon.

It is not for the *Good natured*, or *timorous*, to treat with the *Dutch*, except they would become a *prey* unto *them*.

Leo ab Aitzma p 836, 837.

upon. Then *They* proceeded to ſay That the United Provinces would not refuſe to "pay unto the Engliſh all thoſe honours and reſpects "at Sea, which their Anceſtours had formerly rendred to this Nation: As to the *Fiſhing*, They deſired that might not be controverted before the Articles of *ſtrict and intimate Union* were accorded: and after *them* it would be ſeaſonable to treat of *Commerce*, and the *Fiſhing*. The *Engliſh Commiſſioners* replyed, That what the *Embaſſadours* ſaid, was nothing to the purpoſe: The *Soveraignty of the Sea*, and the *Fiſhing*, were the *unqueſtionable Rights* of *England*: and there was no *Equivocation* in the *Terms*, no doubt nor ſcruple of the *Things themſelves*. The *Deputies* rejoyned; that They had ſpoken clearly and diſtinctly *enough* to both points: but They would adde further, That the *Sea* was to be conſidered either as "Ships met thereon, and "one Nation paies reſpect to another; or in reſpect of Free Navigation. As to the firſt, They had explained themſelves: As to the ſecond, there was another diſtinction to be made; for as to the "ſimple uſe of the Sea, that is open to All: As to ſome particular "profits and emoluments ariſing thence, There might indeed be ſome "plea for propriety: but this diſcourſe would be moſt ſuitable, when They were to treat of *Commerce*. The *Engliſh* were angry at this reſervedneſs of the Deputies, and told them, they did not come to hear or confer about *Scholaſtick ſubtilties*, but the *real*, *legal Rights* of *England*, which They deſired might be aſſented unto in *ſuch manner* as They had *alwayes been underſtood*, and not eluded by ſuch *diſputes*, and *diſtinctions*: That if *old Rights* were thus *diſputed*, what *ſecurity* would there be in any *New Treaty*? What foundation of a *laſting* and *intimate Union*, if the *proper Rights* were not antecedently determined of? That on the *morrow* They would tranſmit to the *Deputies* ſuch *Articles* as were *equitable*, and whereupon a *perpetual Friendſhip* and *Union* might be *well bottomed* and eſtabliſhed: And accordingly *Nov.* 18. A draught of *ſuch Articles* was delivered unto them by the *Commiſſioners* with this *Preamble*.

Aliter Legis, aliter Philoſophi. Cic. de off. l. 3. *Iuriconſulti non philoſophorum decretis, ſed populari captu ac ſenſu civilem ſapientiam metiuntur.* Bodin. de rep. l. 1. c. 5.

The Preamble *to the* Articles *delivered by the Commiſſioners for the* Dutch *Treaty to the ſaid* Deputies. Novemb. 18. Anno 1653.

THe *Deputies* of the *Lords* the *States General* cannot make the leaſt doubt of the "ſincere love and entire affection of this State to-"wards the United Provinces of the low Countries, nor of the *integrity of their intentions* towards them, If, among other things, the *laſt Papers* delivered by the *Council of State* to the ſaid *Lord Deputies* be reflected upon, and conſidered; wherein were made *ſuch tenders* and *propoſitions* on the behalf of *this Common-wealth*, as, through the bleſſing of *God*, would have been *effectual means* not only to *ſtop the further effuſion of Chriſtian blood* in the *preſent war*, but to bring *both States* into

Viz. thoſe about Coalition.

into ſuch an *Union* and *conſiſtency of Intereſts* as might totally have extinguiſhed *the ſeeds of all future differences*, and rendred *their forces* and *other advantages* more ſerviceable for promoting thoſe great ends of *Liberty* and *Religion*, profeſſed to be aimed at by *both ſides*: And though *They* have expected theſe three months for an Anſwer to their laſt Paper delivered in *upon this ſubject*, and found their endeavours *of this kind*, to be hitherto without *their deſired fruit*: Yet ſuch is the *tender ſenſe* that *this State* hath of the *preſent condition of affairs* between the two Nations, and of the ſad conſequences and effects of this *bloody war*; that they were reſolved to leave "no juſt and ho-"nourable means unattempted, which may put an end thereto, and "unite both States together more firmly then heretofore; and accordingly *they* have prepared and digeſted into *ſeveral Articles* the Body and Form of a *Treaty*, and do herewith propound the ſame to the ſaid *Lords Deputies*; the *ſubſtance* whereof being *aſſented to* by *them*, and fitting *Caution* and *Security given* (to be now likewiſe agreed upon) "for the juſt performance thereof (on the part of the ſaid "United Provinces) we hope They will prove the means of eſta-"bliſhing a laſting peace and firm friendſhip between the two Nations: And the *Council* doth nevertheleſs reſerve full power to adde, and to alter, or enlarge any of the *ſaid Articles* before the *concluſion of the Treaty*, as *they* ſhall find occaſion *for the ſame* in the future management thereof.

And whereas ſeveral demands were heretofore made and exhibited by the Council of State in the name of the Parliament of the Common-wealth of *England* to the Lords *Catz*, *Schaep*, and *Vande Perre*, Ambaſſadours of the *States General* for *Satisfaction* to be given, and *reparation* made for *ſeveral wrongs*, *injuries* and *depredations* done and committed upon the *Engliſh*, as well in the *Eaſt Indies*, as elſewhere, by the *People of the United Provinces*; The *Council* hath the ſame under their *further conſideration*; And in what manner the *Eaſt-India*-trade may be ſetled between both Common-wealths *with Juſtice*: and ſhall in convenient time deliver the *Particulars* thereof to the ſaid *Lords Deputies*.

It would be too prolix to tranſcribe *them All* at this time: They are pretty faithfully recorded in *Leo ab Aitzma*, *f.* 837. Thoſe which moſt aggrieved the *Dutch* were theſe.

By the third Article, "The Ships, Guns and Furniture, and the "Goods and Merchandiſes, and other things which had been taken "at Sea, in Harbour, or at Land from the *Dutch* by the *Engliſh*, du-"ring the war, ſhould be accounted as *part* of ſatisfaction and re-"paration for the Charges and Dammages which the Engliſh hath been "put to during the war. And the States General ſhall pay unto the "Engliſh ſuch further ſum for *reparation* as aforeſaid, and in ſuch "manner as ſhall be agreed upon in this *Treaty*: and *thereupon* all of-"fenſes &c. to be forgotten.

By the fourteenth Article, "They were not to enter or paſs the "Brittiſh Seas, but with a certain number of Men of War, to be "agreed upon in this Treatie: But in caſe the States Gene-"ral ſhould have occaſion to paſs the ſaid Seas with a great number "of Ships of War, that They ſhould give notice of their intentions "to the Engliſh, and obtain their conſent, before they put to "Sea.

By the fifteenth Article, "They were to ſtrike the Flag and lower "their Topſails, be they Fleets or Ships, unto *any Man of War* wearing "the Engliſh Flag, and in their Service: and likewiſe ſubmit to be "ſearched by the Engliſh, as *Lords and Soveraigns of the Brittiſh Seas.*

The Preamble alſo of the ſixteenth Article did perplex Them; *viz.* "And as the Common-wealth of *England* have declared their Reſolu-"tions, that They will from time to time take care to put forth upon "*their Seas*, a convenient number of armed Ships for the defenſe "and ſafeguard thereof, and to maintain and preſerve all lawfull "Navigation, Trade and Commerce therein againſt Pirates and Sea-"rovers, and all others that ſhall act, or do any thing to the di-"ſturbance thereof: So for the greater freedom of Commerce and "Navigation, that neither of the Common-wealths ſhall give recep-"tion to any Pirates, *&c.*

I follow herein the *Engliſh* Manuſcript: for the *Latine* of *Leo ab Aitzma* differs much from this: This preface was omitted by *Cromwel*, the reſidue was tranſferred into the *fourteenth Article of his Treaty.*

The ſeventeenth Article obliged "Them to take a Leaſe for One and "twenty years for the Fiſhing, and to pay an annual Rent. As hath "been related in the precedent diſcourſe.

The twelfth Article did oblige "Them not to permit the Prince of "*Orange*, or the Princeſs *Mary*, to relieve with counſil, victuals, any "Rebels or Enemies of the Common-wealth of *England*, *&c.* And "to ſeclude the Princes lineage from being State-holder, Admiral, "General, or Governour of any of their Towns.

The *Dutch Embaſſadours* were extreamly aggrieved at *theſe Articles*, finding all the *amicable proteſtations* of the *Engliſh* to end in theſe ſo *rigorous impoſitions*: whereupon They delivered in a *complaint* to the *Commiſſioners*, *Nov.* 22. which was *that day* reported to the *Council*, but not vouchſafed *any Anſwer*: thereupon they ſent another *Paper* to Secretary *Thurloe*, *Nov.* 25. which was *the ſame day* read in the *Council.* Whereunto *They* received a Reply ſome dayes after. The three Papers were theſe following.

A Paper delivered by the Deputies *of the* States General *of the* United Provinces *to the* Commiſſioners *for the* Dutch Treaty, *Novemb.* 22. 1653. *and the ſame day reported to the* Council.

Moſt Honourable Lords,

TO the 27 Articles (which his *Excellency*, and the *Lords Commiſſioners* of the *Council* of *State* have been pleaſed to deliver to *us* in the

the laſt *Conference* on $\frac{18}{28}$ *Novemb.*) We find our ſelves obliged to anſwer, that "After a Preface of the love and affection of this State to-"wards the United Provinces of the low Countries, and ſuch a ſo-"lemn proteſtation of their ſtegrity and Candour many times rei-"terated, yea with a calling to Witneſs *God Almighty* in the two laſt "Conferences, We are amazed to ſee a *draught* with an extenſion of Articles, wherein we find "nothing at all that is ſuitable or confor-"mable to the particular demonſtrations that we did look for, nor to "our expectations in the Propoſals of a firm and ſtreight Union; which was to be the *Scope* and *end* of *our Negotiation*; but contrary, that, examining *all the Particulars*, we find that the *Lords of the Council* have been pleas'd to compile together ſome *Articles* of the *Treaty of Entercourſe* of the year 1495. and to draw *ſome parts* thereof out of the *Retroacts* paſſed between the *Extraordinary Embaſſadours* of both *Common-wealths* heretofore at the *Hague*, and at *London*, alſo ſo framed and compoſed, that *in both* the Intention and *Intereſt* of the *Lords* the *States General*, together with *their Conſiderations* and *Propoſals* are not regarded, but *put to Oblivion*; And, contrarily, all is ſet down, & propounded, according to the intention and meaning of *this Government*, and to *their greateſt advantage*; Inſomuch, that concerning the *ſame points*, we find our ſelves yet, after a negotiation *of ſo many moneths*, in the ſame ſtate and condition as at the *firſt beginning*; and ſome *other Articles* of *greater Concernment* newly added thereunto, which were never yet *debated*; far againſt and *beyond our expectation*. Therefore we find our ſelves obliged (reſerving alſo the ſame full power to debate hereafter the *Articles of leſs moment*, which we paſs for the preſent, and to propound all which we think neceſſary for the intereſt of *our Superiours*) In this *conference* to repreſent ſome points of *greater importance*, juſtly and lawfully ſhewing, that "the "ſame are no ways to be admitted. Proteſting before the Om-"niſcient Lord, who is to be Judge of our Intentions, that we have "alwayes proceeded with an irreprehenſible ſincerity and candour, "and that for the future we are moſt willing, according to our ſo "many times reiterated proteſtations, to confer and agree, if it be "poſſible, with all fidelity and uprightneſs of heart, without reſer-ving any thing of the Orders of our Superiours, in a buſineſs of "ſuch an high concernment. And therefore to the third Article: foraſmuch as there is mention'd in it of *ſatisfaction*; we muſt ſay there is *no juſtice*, nor *reaſon in the propoſal*. And to the Twelfth; foraſmuch as it toucheth the Prince of *Orange*, excluding the *ſame* and *all his line* for ever out of the *free Election*, which the *Lords* the *States General* or *Provincial* might make of *his*, or *their perſons*: that it is a point "abſolutely appertaining to the diſpoſition of the ſaid States, wherein, with no more *Reaſon* or *Equity* the *Lords of this Council* are to meddle, then *we* in *their elections* in the like occurrences in *this Nation*, And to the Fifteenth, Concerning the "ſubmiſſion to be "viſited as well for Men of War, as Merchants; that it is againſt the "Practice of our Country, and ſubject to a thouſand diſorders and diſputes,

" diſputes; and injurious in the point of Dominion and Soveraign-
" ty, eſpecially in that all reciprocation is wholly excluded. And
to the Seventeenth Article " of permiſſion of fiſhing for a certain
" Recognition of money; We ſay that thereby the *Lords* the *States*
General ſhould be put out of an *immemorial poſſeſſion* without *Cauſe* or
Reaſon: having " alwayes enjoyed the freedom of fiſhing. And we
ſhall at all times be ready to expreſs our ſelves more particularly,
and to juſtifie with a " Convenient deduction of Arguments, and
" reaſons, our Intention concerning the before-mentioned Articles.
But before we come to any farther debates of the ſaid points, we
are obliged to declare our mind to the Fourteenth Article, ſpeak-
ing of the " limitation of the Number of the Men of War; and no-
" tice of their intention to be given to this Common-wealth, and
" their Conſent to be obtained for the paſſing, and before they put
" them forth upon the Seas; Truly, my *Lords*, we can hardly perſwade
our ſelves that it is *in good earneſt*, that ſo *unreaſonable* and *extrava-
gant a propoſal* is offered: and indeed, if you do intend to give place to
ſuch thoughts, we are obliged to tell you plainly, " we are ſo far from
" it, that we ſhould eſteem our ſelves unworthy of the goodneſs and
" favour of God, whereby his Divine Majeſty hath bleſſed the en-
" deavours of our Superiours in the lawful proſecution of their
" liberty, If we did but enter thereupon into a Conference; or if
" we did make the leaſt ſcruple of an abſolute negative. We confeſs
ingenuouſly, that though we have no *ſpecial orders* or *inſtructions* of
our *Superiours* concerning that *point* (and how is it poſſible to
have any upon ſuch an *unreaſonable* and *incredible a propoſal*)
yet we are ſo well informed of the *Generoſity* of our *Su-
periours*, and the *Conſtitution of their affairs and intereſts*, as alſo
of the *intention* and *good will* of our *people*, that no living ſoul *with-
out an abſolute indignation*, could hear of *ſuch overtures*: How many
times hath *his Excellency*, and *the Lords* praiſed our *Anceſtours*, who
with ſo much *zeal* and *vigour* have fought for the *liberty* of their *Coun-
try*? And how is it poſſible that *they* ſhould now have the opinion that
" their poſterity is grown ſo baſe, that they would ſuffer themſelves,
" without reaſon, or neceſſity, to be deprived or fruſtrated of ſo
" notable a part thereof. *Liberty*, we ſay, that permitteth them (be-
ing a *free*, and under Gods grace, a *Soveraign independent State*)
" to go and return, to be in action or reſt, to take up arms, or lay
" them down, according as their intereſt, and their juſt and lawful
" defence requireth. We muſt needs ſay, that we did not expect
from his *Excellency* and the *Lords*, after ſo many " Proteſtations and
" obteſtations before God, and men, in publick and private, ſo many
" times reiterated, that they would confine their good affections,
" their ſincerities and candours, to ſuch an inapparent propoſal, but
that *they* would rather (*which we beſeech moſt inſtantly*) confer and a-
gree with *us* on conditions, whereby " the glory of God, and the
" propagation of the Goſpel may be advanced, and a full, faithful
" and everlaſting Union on Reaſonable and Equitable conditions re-
reciprocally

The *Dutch* would *reciprocally* have ſearched the *Engliſh* Ships.

Their *Superiours* were at that time in great perplexity: their Fleets deſtroyed, their people *mutinous*, their *Seamen* cried out, the *Hand of God was againſt them, and they would fight no more.*

reciprocally may be eſtabliſhed between the *two Common-wealths*: in ſuch a manner as we have repreſented in our *laſt Propoſitions* and *Memorials*, or any other better and more convenient, ſo as *we* together may agree. To all which we ſhall expect an Anſwer aſſoon as may be.

A Paper from the ſaid Deputies ſent in a Letter to Mr. Secretary Thurloe, *Novemb.* 25. 1653. *and the ſame day read in* Council.

To the Council of State *of the Common-wealth of* England.

THE ſubſcribed *Deputies* of the *Lords the States General of the United Provinces*, being bound by the expreſs orders of *their Superiours* to neglect no time in the *preſent tranſaction* with the *Common-wealth* of *England*, for the Reaſons and Motives ſeveral times repreſented in their *former Memorials*, are once more obliged to addreſs themſelves to the "moſt honourable Lords of the Council of "State, moſt *inſtantly* deſiring that the *ſincere* and *cordial offers* made in the behalf of *their Superiours*, to the re-eſtabliſhing a *good Chriſtian love, peace, ſtraight* and *firm Union* between the *two States* and *Nations* on *juſt and equitable Conditions* (for the Conſiderations more at large expreſſed in our Papers formerly exhibited) might be received with a *mutual readineſs*. But becauſe we have obſerved, that in the three *laſt Conferences* his *Excellency* and the *Lords of the Council* have alleged that in the *former Propoſal* on the behalf of the *Common-wealth of England*, it was thought the fitteſt and ſureſt expedient, not only for the removing of the *preſent differences*, but to *prevent any others* in future times, that the Intereſts between the *two Nations* and *States*, ſhould be made *Common without any diſtinction*, which being by us (as his *Excellency* and *their Lordſhips* ſuppoſed) abſolutely *contradicted*, and only a *bare Union* and *Confederacy* offered; had moved the *Council* to frame *ſuch Articles* whereby the *Intereſts* being ſeparate, the *Rights* of either are to be ſetled *diſtinctly*. We cannot omit to *beſeech*, that his *Excellency* and the *Lords of the Council* will be pleaſed to remember, that on *Thurſday* and *Friday* the 17th and 18th of *November*, we have with all *candour* and *integrity of heart* expreſſed our ſelves, and declared that "Diſtinguiſhing the Intereſts which are of the Nature that "they are Communicable, and ſuch as cannot admit a mixture or "communion (as is the ſupream Power and Government) without "a total ſubverſion thereof; We conceived that all other intereſts of "both States and Nations, might as well be made Common between "them, under the Notion of a ſtreight and ſure Union, as of a Co-"alition: as by the *Examples*, and *Preſidents*, hath been by *Us* demonſtrated: and that we had ſhewed, with ſeveral Reaſons and Arguments in our former Paper, that the *ſupream Power* and *Conſtitution of our Government only* could not admit ſuch an *unpracticable alteration*:

But

But for all *other Interests* and *Advantages*, such as by the blessing of God, *both Nations* do enjoy, that the *Union* might be extended and established in such a manner, that in the *United Provinces*, and *all the places thereunto belonging* in *Europe*, all the People and Inhabitants of the Common-wealth of *England*, should enjoy and have all the same Priviledges, Liberties, and Immunities, and benefits as our own *Natives*, without any distinction at all: and so *vice versâ*, that the people and inhabitants of the *United Provinces* should be used in the Common-wealth of *England*, and places in *Europe* thereunto belonging. And that further by the said *streight* and *intrinsick Union* all the *Liberties*, *Franchises*, and other *common interests* of *both States* and *People*, should reciprocally be maintained and protected against all such as should undertake, or attempt to disturb, or attack either of the *two States* and *Nations* in the Premisses, by Sea or Land, with such forces and means as should be agreed. And that We Conceived, that in such grounds, and others expressed in our former Papers, being *mutual* and *reciprocal*, the *Hearts* of the Nations could be best united " to the " glory of God, and advancement of the Gospel, removing all *Envy* and *Jealousies*, and re-establishing a *good Christian Love* in peace and amity: " Protesting before the Lord, to whom no secrets are hid- " den, that we never had, nor have the least thought or intention to " diminish, prejudice, or controvert any known Right or Pre-emi- " nence, whereof the Common-wealth or People of *England* have " been in lawful Possession. Thinking it likewise unreasonable, that " in *this time* the *Council of State*, after such serious protestations of " love and tenderness toward the United Provinces, should endeavour to put upon them *harder Conditions*, and more " intolerable then " ever by all former Governments in this Nation have been offered to *our Ancestours*: Yet because We cannot perceive in the *Paper*, or *Preface* before the 27. *Articles*, nor in the *Articles* themselves, that any reflection *by the most honourable Council* hath been made *thereunto*; but that contrarily, other " very strange Points and unusual propo- sals are *therein* inserted, We do apprehend that *our true* and *sincere meaning* (being only delivered by word of mouth) hath not been regarded as *it should have been*: And therefore we have thought it our Duty (seeing, that in a business of such a *high Concernment*, nothing ought to be neglected that could conduce " to hinder all further ef- " fusion of innocent Christian blood, and the ruine of thousands of " honest and godly people on both sides) to represent the Premisses in writing. *Beseeching most instantly*, that the *Council of State* may be pleased to take to heart the *sad inconveniencies* between the two so near *neighbour States*, and Nations, in continuing this *unwelcome war*, and to *gratifie* us with a good and *favourable Answer*, and Expedition.

See how tender they are as to the trading of the *East* and *West-Indies*.

These *Hollanders* will continue *lying* until *their last*

A Paper agreed upon in Council, Novemb. ——1653. *and ordered the ſame day to be delivered to the ſaid* Deputies; *which was done accordingly.*

IF the Paper ſigned by the "Deputies of the Lords the States General "of the United Provinces, and preſented to the *Council* the 20. Inſt. had not been delivered by the ſaid "Lords Deputies themſelves to "the hands of our Commiſſioners, We ſhould have made ſome doubt whither *their Lordſhips* (truſted in ſo great affairs, and fully acquainted with all that hath paſſed in the *preſent Treaty*) had indeed been the *Authors thereof*: ſeveral paſſages and expreſſions being contained therein, which are altogether *unuſual*, and no way *agreeable to the nature of tranſactions* between *States*, and rather tend to *irritate* and *diſturb*, then to *moderate* and *compoſe the minds* and *affections*; and for which no *ground* or *cauſe* was given in the 27. Articles delivered unto them the $\frac{18}{28}$ *Septemb.* Inſtant: now in the *Preamble* thereunto. And therefore conſidering the *aforeſaid Paper*, and likewiſe reflecting upon what hath paſſed in *former Papers*, We moſt *ingenuouſly* profeſs our ſelves to be yet to ſeek of the *meaning* and *intention* of their *Lordſhips* upon the *Whole matter of this Treaty*.

When the Council by their *former Papers* of the 22. and 25. of *July* laſt, propounded the "uniting of both States into one, the aforeſaid *Lords* the *Deputies* were pleaſed, without coming to the *debates* of the *practicableneſs thereof*, and of the *Advantage* and *Utility* accruing thereby to *both States*, to reject and condemn *the ſame* under the *General* terms of *Novelty*, *Confuſions*, and *Impoſſibilities*; as appears in *their Papers* of the 27. of the ſaid moneth of *July*: offering nothing "in the ſtead thereof, but general profeſſions of their deſires to en-"ter into a ſtrict union with this State. And now *We* having compiled and put together the "Articles aforeſaid, as the means to eſta-"bliſh a juſt peace, and to effect the deſired league and union (being alſo at ſeveral *Conferences* preſſed by the ſaid *Lords* the *Deputies* to deſcend unto *particulars*) and delivered them to their *Lordſhips*: When we expected by *free debate* with *them* to have conſidered and examined *from point to point* every *particular* thereof, as they lie in Order; They were pleaſed by a *Paper*, without any *debate*, under *General terms* of *unjuſt*, *extravagant*, and *unreaſonable*, to expreſs *their diſlike* of, and declare themſelves *againſt them*. Whereas if *their Lordſhips* had thought it fit to come to a *diſcuſſion* of the *Particulars* (the *method* uſed in *all Treaties* of this kind) as the propoſing of them would have appeared to be very "ſuitable, and conform to the profeſſions and "proteſtations of Candor and Ingenuity, made by the Council, or "their Commiſſioners, upon this occaſion; ſo the *Articles* themſelves having been conſidered and examined, might have been *ſetled* and *adjuſted* according as the *juſtice* and *reaſonableneſs* ſhould appear upon the Arguments produced by *both ſides*; which to do by Papers would con-

conſume *too much time*, as affairs now ſtand. And becauſe much mention is made in the Paper of the ſaid *Lords the Deputies*, of the *Proteſtations* made by the *Council*, and their *Commiſſioners*, We find our ſelves obliged further to ſay, that "Certainly we did never declare our "ſelves by any profeſſion or proteſtation, from asking and inſiſting "on thoſe things in the Articles, which are the undoubted and un-"queſtionable Right of this Common-wealth; nor give any ground "to the ſaid Lords the Deputies, to expect that we ſhould part with "them as a Demonſtration of the affection of the State to the United "Provinces: Our *Commiſſioners* having to the contrary in the *two laſt conferences*, mentioned in the beginning of *their Paper* of the 22. Inſtant, declared, that ſince their *Lordſhips* had refuſed the *Coalition* and *mingling of Soveraignties*, whereby the *two States* might not onely be "one in name, but in Truth; that now *they* were to be conſide-"red as diſtinct in Intereſts, and as having peculiar Rights and Pri-"viledges belonging to each other, the ſetling and fixing whereof was to be conſidered in this Treaty of *Union* and *Confederation*: That when the "Rights of both ſides were agreed upon, they ſhould ſoon-"er become friends, and longer continue ſo.

And we do not yet underſtand upon what *other grounds* either ſide can proceed in *this Treaty*, as it is now ſtated; unleſs the expectation of the ſaid "Lords the Deputies be, that this State ſhould part with "whatſoever is peculiar to them both at Sea and Land, without ha-"ving any thing in Recompence thereof, more then the *bare name of a ſtrict Union*: according to what ſeems to be held forth in both their Papers of the 22. and 25. Inſtant: In the laſt whereof they ſay, that diſtinguiſhing the Intereſts which are *communicable* from thoſe which "can admit no mixture or communion (as the Supream Powers and "Government) all other Intereſts of both States and Nations might be made *common* between them, under the *Notion* of a *ſtraight* and *near union*: and what the Conſequences of *ſuch an Union* would be to *this State*, it is altogether needleſs to unfold, as it is to ſhew the *inequality* thereof: Or if the meaning of their *Lordſhips* be *otherwiſe*, and their minds be to make *this peace* upon *juſt* and *equal grounds*, They may have opportunity upon the *debate of the Articles*, to manifeſt and explain themſelves in *particulars*; and at any time during the *Treaty*, to propound what they conceive *juſt* and *reaſonable* to be inſiſted upon on the behalf of *their Superiours*, further then is expreſſed in the *ſaid Articles*. But the ſaid *Lords* the *Deputies* having moſt *unexpectedly* by their *ſaid Papers* refuſed any *Conferences*, or debate *thereupon*, it appears not "what is farther to be done therein on our parts, "while they continue in this mind; Having already not in *General* and *Ambiguous Terms*, but *fully* and *particularly explained our ſelves*, and endeavoured in all *ſincerity* and *uprightneſs* to put the *Treaty* in *that way* and *method* which might beſt diſcover the *juſtneſs* and *Equity* of each others propoſitions, and the validity of theſe *grounds* and *reaſons* they are enforced upon, and thereby the ſooner bring *this negotiation* to an happy Iſſue.

Notwithſtanding the *Rhodomontade* mentioned in the *firſt Paper*, the *Deputies* conſidering the *neceſſities* of their Country, and the *unmovable haughtineſs* of the *Council*, did afterwards *ſue* for, and enter into *ſeveral Conferences:* though I do not find the particular dayes ſet down. In *all which* the *Commiſſioners* (whereof *Cromwel* was alwayes *one*) did inſiſt obſtinately upon the acknowledgment of the "Dominion of the Seas, and Rights of fiſhing: in ſuch terms as hath been related *before*, where we ſpoke concerning *thoſe ſubjects:* The *Deputies* did remonſtrate that the *States General* had as great deſires to enter into a "firm and ſtreight and everlaſting League as the Parliament of *England* could have: but as the *Engliſh* had declared in *Auguſt* laſt, when they propoſed a *Coalition*, that if the *Dutch* accepted thereof, all diſputes about the *Soveraignty of the Seas and Fiſhing* would surceaſe: So upon the ſettlement of *Peace, Union, and eternal Amity*, thoſe *ſcrupulous conteſts* ought to receive an end; eſpecially ſince neither the "United Provinces, nor any other Nation had ever owned "ſuch Rights of the Engliſh. That it would be repugnant unto the *nature* and *conſtitutions* of each Countrey to mixe & confound them *both in one:* but if no more were looked after then a *mutual participation* of *all emoluments, priviledges, rights*, and *immunities*, theſe might be as well made *common* and *mutual* by a *ſtrict League*, as by the ſaid *Coalition*; betwixt *which* and the ſaid *Union*, the difference was but *verbal*. Hereupon *Cromwel* replying, ſaid, Becauſe you have been pleaſed again to make mention of the *Coalition*, and to explain and apply it according to *your own ſenſe*; Know that the intentions of the *Council* were to find out *theſe means* which were moſt *valid* and really *ſecure*, not ſuch as had only the *ſtrength* which *Idle words* and *Paper* could give unto *them*; They purpoſed not only to compoſe the *preſent war*, but to prevent all poſſible ruptures *hereafter*: And to effect this great work, *Coalition* moſt availeth. For thereby, without any diſtinction, except of *Municipal Laws* and *Uſages* in the ordinary adminiſtration of Juſtice, all the *Soveraignty*, *Government*, and whatever depends thereupon in the *two Nations*, would become *indiſtinct* and *joint*. But becauſe you did decline *this Propoſal*, and deſired a *ſtrict Amity* and *League*, with a reſerve of the *Soveraignty* and *Emoluments* proper to each Republick, the *Council* was pleaſed to condeſcend thereto: And this being now agitated, it behooves *us* to find out ſuch expedients whereby we may redreſs the preſent inconveniencies, and prevent the like *for the future*. What *you* now ſpeak concerning an *imperfect Coalition*, ſeems to proceed from a defect in *your Inſtructions*, otherwiſe We ſhould not have expected to hear from ſo *Wiſe* and *Honourable* Miniſters as *You* are *ſuch an overture*. Then He enlarged upon the *ſingular affection* which the *Engliſh* did bear towards the *Dutch*; the *ſincerity*, the *candid purpoſes* of the *Council*, the extraordinary care which the *Parliament* had for their welfare and proſperity, that *They* might ſhare *therein* for ever *equally* with *England:* Upon *this ſcore* purely *They* had urged the *Coalition*; and if the propoſal be duly and rightly weighed, it will appear that the *Engliſh*.

Leo ab Aitzma p. 844. & 847. 850.

What will not *theſe men* ſay, that dare avow *this!*

Engliſh therein have no *other ſcope*, nor think to derive thence any other benefit, then a *ſecure peace*; All the *Emoluments* and *Priviledges* would redound unto the *United Provinces*: To evince this, He diſcourſed of the *ſcituation* and *riches* of *England*, the conveniency and goodneſs of the *ports*, and *coaſts*, the benefits of *fiſhing*; the opportunity of *trading* to the *Engliſh* plantations, of purchaſing *lands*, and putting out their moneys to a *greater intereſt*. Concluding that the *Engliſh*, for their parts, had offered unto *them* what was *beneficial*, and reaſonable, and were *ſatisfied in their own conſciences*; and If the *Deputies* would not demean themſelves with *greater ſincerity* and confidence, there was no good ſucceſs to be hoped for from *this Treaty*. The *Deputies* withdrew aſide a little, and after ſome diſcourſe, reſumed their places, Avowing that *They* had dealt *candidly* and *ſincerely*, and had propoſed what *They* thought moſt *advantageous* and *ſeaſonable*: That ſince, They had conferred with *Their Superiours*, related all paſſages exactly unto them, and received orders not to treat about any *Coalition*: But *They* were ready to confer about a *ſtrict* and *firm Union*, and to demonſtrate that the *ſame Peace* and *Security* which the *Engliſh* expect by the *Coalition*, might be eſtabliſhed by a *ſtrict Union*: Adding that it was eaſie to demonſtrate that *The Dutch were already poſſeſſed in themſelves of all thoſe advantages (or greater) which the Engliſh offerred to communicate unto them by the Coalition.* In fine, ſeeing that the *Commiſſioners* ſeemed to expect that the *Dutch* ſhould make the firſt overtures about a *firm peace*, They declared that if the *Engliſh* would proceed frankly, The *Deputies* had power to oblige their *Superiours*, to "maintain, defend "and promote the Liberty and common good of the *preſent Govern-* "*ment* and people of *England* againſt all, indifferently and without "any exception, who ſhould attempt to diſturb, impede, or evert "it: and this either at Sea, or Land, with all thoſe forces and by "all thoſe means which ſhould be agreed upon mutually: That they "did not comprehend what greater or more ſufficient aſſurance of "peace and Security the *Engliſh* could find in their Coalition; And "therefore it was manifeſt, that in this great debate the conteſt was "meerly about words. As to the pretended benefits that would accrue to them by the *Coalition*, They with much *modeſty* anſwered, that it was true the *Engliſh* had ſeveral conveniencies which the *Dutch* wanted; but yet God had been pleaſed to recompenſe the *United Provinces* with peculiar advantages: that if their *Territory* was *ſmall*, yet all the Rivers of the vaſt *in-land* did flow through *their Countrey*; that they had ſo great a multitude of fair and opulent Towns, and other felicities, that They had no cauſe to repine at the *unequal diſpenſations of Providence*: As to the *Rights* and *Priviledges* which They were offered in *England*, the people of *Holland* ſtood in no want of *them*, &c. *Cromwel* and the *Commiſſioners* having withdrawn and adviſed together awhile, returned to the *Deputies*; and *Cromwel* made a long Speech, which proved to be only a *Repitition of what he had ſaid before*: He proteſted that the *Coalition* was mentioned out of no other

deſign,

deſign, then that the *Engliſh* might receive *Satisfaction*, *Peace*, and *Security*: that there was not the leaſt compariſon to be made betwixt *Security* to be had by *confederacy*, and that of an *intrinſick Union*: that How *ſpecious* ſoever the *title* of *Soveraignty* might ſeem to *them*, yet that was but a *triſle*, which *He* valued no more then a *feather in his cap*; nor did "He care a button for the troubles and cares which "inſeparably and conſtantly attend ſuch as are the chief in Govern-"ment: He knew how much the *Dutch* valued *their Liberty*, and how dearly they had purchaſed it; yet really the *tenders* of the *Engliſh* ought to prevail above *all regards*: They might, without boaſting, ſay, that *their Territories* were ſo commodiouſly ſcituated, that the inhabitants *thereof* might ſail and *traſick* without the *controll*, without the aid of *Holland*, into any part of the world: But the *Dutch* could not do ſo: That they knew well who were the Enemies, and which the Friends of the *United Provinces*: that They which hated the *one* (meaning the Houſe of *Auſtria*) did not affect the *others*: and therefore it ought to be the *aim* and *intent* of *both Nations* mutually to conjoyn; and being *united*, They needed not to fear any thing, but might, *in point of Trade*, give laws to the *whole world*. Then *He* inſiſted upon the *Dominion of the Sea*, and the *Fiſhing*, as neceſſary to be accorded unto, before the particular *Treaty* were entered upon. The Embaſſadours replyed as before; And the *Engliſh* ſtill inſiſted upon thoſe *two points*, and alſo *coſts and damages*, with great obſtinacy. The *Dutch* ſaid, *they* would not adjuſt the *Dominion of the Sea*, and *Right of fiſhing*, till the other *Articles* were agreed: *thoſe* that were now *obtruded*, being ſuch as could not be impoſed on any but *Rebels*, and ſuch as were utterly *vanquiſhed*: that ſince the *Engliſh* did eſteem *them* ſo *Rational and Equitable*, (as *they* perſiſted to do) the *Deputies* muſt break off *the Treaty*, and return within *two dayes* to acquaint *their Superiours* with what had paſſed.

MSS. Comment. And accordingly They did ſend *Decemb.* 7. 1653. unto Secretary *Thurloe* a Paper, in which "They beſought the moſt honourable "Lords of the Council to gratifie them with a ſafe conduct for their "perſons, followers and ſervants, to tranſport themſelves to *Holland*: The which was *not granted* at that time, but —— was ſent to intreat them to ſtay awhile, ſo great buſineſs not being to be ſuddenly tranſacted: The *Deputies* readily acquieſced; but withal complained of the *Engliſh Government*, how diſtracted That was by reaſon of *the frenſies* of the *Fifth-Monarchy Parliament*, that if *Cromwel* would aſſume the *Government* to himſelf, *They* would be ready to accord with *him* upon *more moderate terms*, and enter into ſuch a *defenſive Alliance*, as ſhould ſecure him againſt *forreign* and *domeſtick Enemies*. Hereby *They* gained *Oliver* to contrive a *period* for the pretended *Parliament*, with a *reſignation* of their power into *His hands*: *Decemb.* 12. 1653. He was made *Protector Dec.* 16. and on the *twentieth* notice was given to the *Embaſſadours* thereof by the *Maſter of the Ceremonies*, who told them further, How ready *He* would be to treat with *them*, How kind unto *them*; but *They* muſt withal pay *him* the

Leo ab Aitzma p. 851, 852.

ſame

ſame *honour* and *reſpect* which was heretofore exhibited to the *Engliſh Kings*, and in *writings* and diſcourſes give *him* the Title of *His Highneſs*, which was in uſe *here* before that of *Majeſty*; That *They* being not in the quality of *Embaſſadours*, but *Lords Deputies Plenipotentiaries*, muſt be uncovered in *His preſence*. The *three Deputies* (one was now dead) aſſented to theſe *Conditions*, but reſolved to avoid *all enterviews* as much as poſſible: *They* ſent to *His Highneſs* and *His Council*, *Dec.* 23. a Paper of *alterations* and *amendments*, to be made in the *Articles* aforeſaid: And *Dec.* 26. Mr. *Thurloe* brought *Them* an Anſwer in writing, wherein the *Satisfaction* demanded in the *third Article* was wholly omitted; but the *claims* of the *Eaſt-India* Merchants and others were to be compounded. The *fifteenth Article* was changed ſo, as that neither the *Dominion of the Seas* was mentioned, nor *their Ships* to be *ſearched*: but They were to "ſtrike the Flag, and "lower the topſail to any *Engliſh* man of War within the Britiſh "Seas: with ſeveral other conceſſions: ſeveral conferences paſſed betwixt the *Councillours* of *Cromwel* and them, and Papers were tranſmitted on the 26. and 28. of *December*. But the *Deputies* having now engaged *Cromwel* irreconcileably againſt the *Fifth-Monarchy-men* and *Republicans*, would come to *no concluſion*: They found a readineſs in *Oliver* to comply in *thoſe points* which *He* had ſo peremptorily inſiſted on before: and knew that a *defenſive Alliance* with *Holland* would be *abſolutely neceſſary* unto the ſecuring *Him* in His *New Protectorſhip*: Beſides *They* looked upon *His* condition as *uncertain*, and therfore thought it *imprudence* to conclude with *Him* as yet, until *time* ſhould manifeſt the *tendency of affairs*: They deſired a *Paſport* to depart, *Dec.* 28. imagining that the *noiſe* of their departure *re infected*, would much ſtartle the *Engliſh*, and *imbolden* them againſt *His Highneſs*: But *Cromwell* being aware of *their Stratagems*, and reſolute to *perſiſt* in his courſes, briskly and unexpectedly declares, that "If they de- "part without concluding and ſigning the Treaty, and mutually en- "gaging to ratifie it in a certain time, His Highneſs would not be "obliged to it, or any part thereof, but account it at an end. *Dec.* 28. Hereat the *Deputies* were a little ſurpriſed, and by a Paper, *Dec.* 29. 1653. Aſſure *His Highneſs*, that They have alwaies, and do ſtill intend to proceed with all *integrity* and *candour*, and that *they* do not decline to ſign the preſent Treaty, if *His Highneſs* be pleaſed that the Articles be extended in ſuch manner as *they* had propounded.—— That it will be an *eaſie thing* for to reduce the *Articles* now into ſuch order that *they* may be encouraged to ſign before departing from hence, and to agree in a convenient manner touching the *ratification thereof*. Hereupon there were *ſeveral conferences*, and many things either *yielded* unto, or *ſilently paſſed over* (as that of the *Fiſhing*, and *Soveraignty of the Seas*: and the *preamble of the ſixteenth Article* omitted) to the great contentation of the *Dutch*: For *Cromwell* at this time minded nothing but what related to *his own Security*; and in order thereunto *He* would never abandon that Article for the *Seclusion* of the Prince of *Orange* from being *State-holder*, *General*, and *Admiral*:

MSS. Comment.

MSS. Comment.

MSS. Comment.

He

He urged that " No peace could ever continue firm betwixt the two " Nations, whilſt that Prince ſhould retain ſo great a power there : " That no Enemy did ever exereiſe ſuch hoſtility, nor create ſo " much of prejudice unto the Parliament, as did the late Prince *William* : The *Deputies* had expreſs *Orders* never to aſſent thereunto: But *Cromwel* underſtanding that the *Dutch* uſually ſign *two ſorts of Articles*, the one *ſecret*, the other *publick* : did move that this *Seclusion* ſhould be put into a *ſecret Article* : but neither would the *Deputies* aſſent thereunto. Whereupon *Cromwell* ſent for Mr. *Beverning* in private, (whom *He* knew to be a true *Hollander*) and with *Him* He entered into a cloſe and long *conference*, werein *He* ſhewed His readineſs to conclude a peace with *them* upon terms *moderate* and *reaſonable*, repeating what *He* had already granted, what *He* would further aſſent unto : But that *He* could never recede from " that Article of Seclu- " ding the Family of the Prince of *Orange* : that He could never think the *peace* would be *durable*, nor *England* quiet, whilſt that *Lineage* had *ſuch power* and *authority* amongſt *Them*. That it did no leſs import *Them* then it did *Him* ; the attempts of Prince *William* upon *Holland* being freſh in *their memory*, and the *ambitious ends of that Houſe* being known at *Amſterdam*. If that the *Deputies*, as ſent by the *States General*, could not conſent to the *Article*, yet *He* might *ſign* it, as a *private Article*, in the name of the *States Provinciel* of *Holland* : that *He* would be as well ſatisfied with the *Ratification* of *that Province* alone, which had ſo often enforced the others to concur with *its dictates*, as in the *Truce* of 1609. *Munſter* peace, and other caſes : Nor would *He* deſire that *They* ſhould undertake for the other *Provinces*, but for *themſelves*, " That they ſhould never aſſent to ſuch an e- " lection, but hinder it as much as they could. What was agreed betwixt *them* at that time, is a *ſecret* as yet to the world : The event ſhewed it, and the *other Provinces* ſuſpected it to have been ſo, that *Cromwel* and *Beverning* did then contrive to depreſs the *Houſe of Orange* : Certain it is that an *expedient* was found out that might be *equipollent* thereto in reference to the *peace* and ſafety of *Cromwel*; that " whoſoever was State-holder, General by land, or " Admiral, ſhould in perſon ſwear to the obſervation of that Treaty. The *Deputies* after this, departed for *Holland*, *Jan.* 6. 1653. and as *They* were at Sea they formed up a body of 29. *Articles*, the ſubject whereof was agreed upon by both ſides, though nothing had been *finally concluded* or ſigned : This *Treaty* they ſhewed firſt to the *States* of *Holland*; then to the *States General*, who approved *thereof*, and of the demeanour of the *Deputies* as conſonant to *their Inſtructions*. That *They* might leave *Cromwel* in the *greater perplexity*, and act thereafter like men that liſten more to *opportunities*, then *princi les* or *promiſes*, at their *departure* (notwithſtanding their proteſtation of *Candour* and *Sincerity*) They

Leo ab Aitzma, p. 848.

Id. p. 852.

Quod uti magni momenti negotium eſt, ita neceſſitatem veluti quandam trahit ſecum, cum omnibus manifeſtum ſit, in quantum Hollandia *ſi in hanc vel illam partem inclinet, conferre poſſit.* Deduct. Ord. Ze'andiæ contra Holland. de ſeclus. Pr. Auriaci.

Leo ab Aitzma p. 852.

Judge by this *Authentick narration* how little truth there is in the vulgar reports, and common writers, (as *Florus Anglicus*, &c.) that *They went to fetch money* for *Cromwel* : I do not believe He had *one ſtarling* from them.

They raiſed *ſome ſcruples* about the Article concerning *Denmark*, with which they ſeemed totally diſſatisfied: *Cromwel* ſent to *Graveſend* after them *Commiſſioners* to invite them *back again*, and aſſure them that the ſaid *Article* ſhould paſs as *they* deſired it: They writ Him a Letter of thanks, promiſing to return with ſpeed, and to deport themſelves with all poſſible *ſincerity*: But ſtill the *Treaty* was left *ſuſpended*, and *uncertain*; Though it appears that every point was *adjuſted*, and there wanted no more but to reduce the *Articles* into a formal Treaty, and that *They* ſhould ſign it *for themſelves*, according as *They* had promiſed *Decemb.* 29. 1653. *Cromwel* was very much irritated at *this procedure* of *theirs*; and more, when *He* perceived they delayed *their return* for *ſeveral weeks*: *He* expedited his *Naval preparations*: and as after a *ſtorm*, though the winds ceaſe, yet the *billows* do continue their former rage, ſo did thoſe impreſſions of *hatred* againſt the *Dutch* remain in the breaſts of the *Engliſh*, notwithſtanding the *rumours of peace*: He began now to ſuſpect the *frauds* of the *Dutch*, and blamed *himſelf* for truſting unto their *proteſtations* of *candour* and *ſincerity*; and determined to "ensure himſelf of the Province of *Holland*, by ſome obligatory Act "for the Seclusion of the Houſe of Orange, or elſe to proſecute *the war*. The *Dutch* (to amuſe *Him*, and comply with the *Haughtineſs* of *His Humour*) ſend over in a *ſplendid* and *formal Embaſſy* the ſame *Plenipotentiaries*; which did not a little adde to the "Honour and Glory "of *Cromwel* at home and abroad; but at their firſt arrival, before they came to any Treaty, Secretary *Thurloe* deſires a conference with *Them*, and informs *them* that *His Highneſs* would inſiſt upon the *Article of Seclusion*, to be ratified by the *Province of Holland*: great profeſſions of *love* and *fair dealing* paſſed on *both ſides*, and *Thurloe* declared that the *Protector* inſiſted *thereon*, out of *pure kindneſs* to *them*, the *Houſe* of *Orange* being ſo *potent* and *popular*, that if *He* were *jealous* leaſt the *Peace* would not be *durable*, they ought to *ſuſpect* leaſt *their Liberty* would be the *ſhorter-lived*: that, if *they* really deſired an *everlaſting peace* with *England*, this was the only courſe to *ſecure it*: without this *Act of Seclusion* nothing was *more evident*, then that the *two Nations* would ſuddenly be imbroil'd in a *ſecond bloody war*, and in the mean while the *Engliſh* would be in a *perpetual diffidence* and *diſtruſt* thereof, the which would *allay* and *abate* much of that *firm* and *eternal Amity*, which was *now* propoſed: *Nieuport* and *Beverhingh* proteſted they had *no power* to promiſe any ſuch thing in behalf of the *ſaid States*, and earneſtly ſollicited the *Concluſion of the Treaty* with the *ſecurity* already conſented unto: This happened in the end of *March*, and ſundry conferences were had betwixt *Thurloe* and thoſe *two Embaſſadours*, the *third* is not *ſaid* to have been preſent at *them*: at laſt *Thurloe* propoſeth from *His Highneſs*, the *final* and *ſpeedy* concluſion of the *Treaty* upon *this condition*, that the *ſaid Embaſſadours* ſhould promiſe (*on their own heads*) to procure ſuch an *obligatory deed* for the

Ipſos tamen non obſtante ejuſmodi ſatisfactione, Londinum, *quo compoſitis jam & ab utraque parte conceſſis Articulis ſubſignarent atque universum Tractatum confirmarent, nentiquam fuiſſe reverſos, ſed recto itinere ſe in* Hollandiam *contuliſſe, universo Tractationis negotio infecto, atque in incerto penitùs relicto.* Deduct. ord. Holland. in Narrat. facti. Sect. 8.

ibid. Sect. 9, to 11.

ibid Sect. 12, 13.

Seclusion within some *certain time* to be transmitted by the said *States provincial*: But *they* declined this *overture also*; whereupon *Cromwel* appoints a private conference with *Beverningh* and *Him*, only *Thurloe* being present: *His Highness* was very prolixe in discoursing of his
ibid Sect. 14, 15, 16. *great* and *cordial affection* for the *Dutch*, as his *dear Neighbours* and *Protestants*; of his concern for the *Reformed Religion*, which would be much endangered should *another rupture* happen betwixt *them*: that *He* did so earnestly desire the *mutual welfare* of the *two Nations*, and an indissoluble peace, that *He* had not at all pursued His "particular profit and interest in this whole negotiation, as was manifest by the *Treaty* it self: and *He* did importune *Beverningh* to promise *in writing* to effect the said *Seclusion*: as for the *time* and *form* of the *Seclusion*, He would leave it to *their* contrivance, *When* and *How* to do it; but *He* would have the *thing* done: in the mean time the *Capitulation* should be *signed*, and *ratified*. The *Holland Deduction* saith that
ibid. Sect. 16 *Beverningh* promised only that "They would write unto the States "of *Holland* concerning the Seclusion, how solicitous the Protector "was to obtain it, and to procure their Answer (whatever it should "be) upon that point, the which should be sent over with the Ratification of the peace by the States General. Howsoever these things were, *Cromwel* was forward in his *Naval preparations*, and a rumour was scattered as if the *Treaty* were wholly broken off, the which did much perplex the Embassadours, amd 'twas fomented by the *Enemies* of *Cromwel*, every *opposite interest* (especially the *Republicans*) expecting benefit by the ruine of *Cromwel*, which would be a consequent of *the war*, if it were prosecuted. *All parties* were implacable against the *Dutch*, for their complying with *Cromwel*, and what *They had already done* would accelerate their *destruction*, or revive the *first Articles*, if the *Republicans* came upon the Stage *again*: They knew that *Cromwel* by his subtilty could *re-ingratiate* himself with the *Common-wealth-men*; and that *they*, to re-establish *themselves*, would connive at the actings of so *powerful* and *necessary a faction*: Upon *these motives* the *Embassadours* did importune *His Highness* for to sign *the Treaty*, which ('tis said) *He* did without *much* insisting upon the said *Seclusion*. The *Peace* was proclaimed at *London*, *April* 5. 1654. and *mutual Ratifications* sealed before the end of the *said Moneth*. The *Hollanders* were in hope that the *Protectour* would desist from the *Seclusion*, and not hazard a *Rupture* immediately after a *Peace* concluded: but finding *Him* obstinate *therein*, and that the *Republicans* did endeavour to *renew* the *war*, They did *May* 4. 1654. make a Decree, That
ibid. Sect. 19. "the Noble and Potent States of *Holland* and *West-friesland* would "never elect His present Highness, or any of his Lineage, to be "State holder or Admiral of their Province, neither should their
ibid. Sect. 20. "Province ever give Their suffrage or consent, that He, or any of "his Family, should be Captain General of the forces of the United "Provinces. This was transmitted unto *Beverningh* and *Nieuport* to be kept *secret*, and not delivered unto the *Protectour*, if the thing might possibly be avoided: But *Cromwel* would not exchange the *Ratifica-*

tifications, until *They* promiſed to procure that *ſecret Article*, the which those *Juglers* had *then* in their hands. Although that *Cromwel* did not know that the *States of Holland* and *Weſt-frieſland* had ſigned and ſealed the ſaid *ſecret Article*, yet it was by ſome artifice diſcovered to the *States General*, and divulged throughout the *united Provinces*. The other Provinces ſent to thoſe of *Holland*, to know what *They* had really done, which might give occaſion to *theſe reports*: It being contrary to the *Union of Vtrecht*, that any of the Provinces ſhould ſingly make any *Leagues* or *Treaties* with forreign Princes: It being alſo contrary to the *unanimous* and *expreſs determinations* of the *States General*; contrary to the *Inſtructions* of the *Embaſſadours*; contrary to the *priviledges* and *liberties* of the *United Provinces*, whereby *that* could not be done to the *meaneſt Subject*, which now was ſaid to be decreed againſt *His Highneſs*, and the illuſtrious Houſe of *Orange*. The People inveighed bitterly againſt the *Provincials of Holland*: The States General were upon recalling the Embaſſadours to give an account of *tranſactions*, and did ſend to know which of them had that *ſecret Article*; that *He* ſhould tranſmit a *Copy* thereof. The *States* of *Holland* and *Weſt-frieſland* were amazed to find the *Article* become *publick* before *it* had been tendered: They delay to give a *true relation* of affairs, but declare unto all the Provinces, that *They* neither *had done*, nor ever would do any thing contrary unto the *Union* of *Vtretcht*: and, reſerving unto themſelves the *Supream juriſdiction* of their own *Province*, they neither had attempted, nor ſhould attempt any thing that might infringe the *Liberties* of the *other Provinces*. That the Lords *Nieuport* and *Beverningh*, were *natives* of the Province of *Holland*, and therefore could not be obliged to give any account of the *ſecrets* of *their Countrey* unto the *States General*. The Province of *Zeland* penned a *Rational* and ſmart *Manifeſt* againſt *Holland*; The Deputies of *Groninghen* and *Frieſland* added much *bitterneſs* to their *Arguments*: The Penſionary *De Wit* was bold, and uſed *menaces* in the behalf of *Holland*: thus all things ſeemed to run into abſolute confuſion, and the new "firm everlaſting Peace and Defenſive Alliance contracted with *Cromwel*, was in a few months endangered, together with the *Union* it ſelf of thoſe Provinces. *Cromwel* was aware thereof, and aſtoniſhed to ſee how the *Dutch Embaſſadours* had deluded Him, notwithſtanding all their "proteſtations of extraordinary candour and ſincerity; and demanded the *Article*, or menaced them with a *ſuddain breach*: But they *diſſembled* with *Thurloe*, as if *They* had not received any ſuch *ſecret Article* ſigned by the *Provincials* of *Holland* and *Weſt-frieſland*: They multiplyed a thouſand delaies, and preſſed the *Protectour* to omit *this Article*, the very *rumour* whereof had produced all *this combuſtion* in the *United Provinces*. The friends of *Cromwel* were exceedingly perplexed with the *fraudulent dealings* of the Embaſſadours, *Hollanders*: and were confident that ſuch an *Article* had been *decreed* and *tranſmitted* to *them*, though *They* diſowned it: The *diviſions* in the *United Provinces*, and the reſervedneſs of *Holland* in declining to communicate *their privacies* to the *States General*, made it ſeem

Sect. 21.

Sect. 22, 23.

ibid. Sect. 24.

an *undoubted truth*: And all the Enemies of *Cromwel* rejoyced to find *Him* thus *abuſed*, and *cheated* in a tranſaction *whereon* the grandeur of *His Highneſs* was eſtabliſhed. *Cromwel* at a conference with *Beverningh* and *Nieuport*, *May* 22. 1654. fiercely urged the delivery of the *Article*, and forbade them ever to alledge any reaſons to *Him* againſt *it*. The *Hollanders* conſidering that the *odium* would be the *ſame*, if it were *delivered*, or not *delivered*, ſince it had been *reſolved upon*, and ſeeing the *whole peace*, and *their ſupport* againſt the *exaſperated Provinces* was in jeopardy by *this delay*, They did order the *Embaſſadours* to deliver *it* unto *Cromwel*; which was done in the beginning of *June*: and *Cromwel* diſpatched a comminatory Letter unto the *States of Zeland*, to let them know that the *Peace* did entirely depend upon the ſigning of that *ſecret Article*, *June* 16. 1654.

ibid. Sect. 25.

ibid. Sect. 26. 27. *Leo ab Annma*, p. 869.

Thus was that *League* finiſhed at laſt, in the management whereof the *Dutch* had ſhewed ſo much of *Artifice*, and *Fraud*: As to that *ſecret Article*, it is much doubted *to this day*, Whether it were not *Stipulated for* at that *private conference* betwixt *Beverningh* and *Cromwel*, *Jan.* 6. before Their departure into *Holland*: Whether the delaies in *ſigning*, and *delivering* it, were a *fineſſe* complotted betwixt *Cromwel* and *Holland*, the better to juſtifie the actions of *that Province* unto the *other Provinces*; or whether *They* did not underſtand *each other*, but that *His Highneſs* was really impoſed upon *in that manner* during *that negotiation*, Thoſe know beſt who were *Actors* therein. The *Deduction of Holland* is conſonant to the *precedent Narrative*; But the Deputies of *Zeland*, *Frieſland*, *Oumeland*, and *Groninghen* did ſuſpect the *Truth* thereof: and believed there was a *more intimate Union* between *Cromwel* and *Holland*, in oppoſition to the *Houſe of Orange*, then ever was made *publick*. Theſe are *uncertainties*; But this is moſt *certain*, that the ſaid Embaſſadours *Nieuport* and *Beverningh* ſent by *commiſſion* of the *States General*, were to treat as from *them*, and during *that Commiſſion* could not receive *Mandates* (eſpecially *contrary to their Inſtructions*) from a *particular Province*, much leſs *obey them*: as the *Frieſlanders* and *Zelanders* did argue: Beſides, *They* were *ſworn* at the beginning of the *Embaſſy* to proceed according to the *plain ſenſe* of *Their Inſtructions*: They never acquainted the *States General* in the leaſt with *that Negotiation*, no not in the end of *May*, when "They demanded a copy of the Article, and an account of what they had done about it: Nay, *They* were ſo far from doing this, that upon the concluſion of the Treaty upon the fifth of *April*, They writ to the *States General* that They had then finally concluded *all* the Articles *without any exception*, and that punctually according to *Their Inſtructions and Mandates*: whereas This *whole affair*, and this *inſuperable difficulty* was ſtill remaining to be tranſacted. Such a *demeanour* hath not been *read* of but in the *Annals* of the

In Legationes publicâ Fœderatorum procerum, officio tenus, quamdiu eo funguntur, licitum non fuerit ab ullo mandatum, multo minus contrarium, circa tractationes ſuas recipere, aut iis morem gerere: atque adeò quia prohibitum erat, contrarium Hollandiæ procerum mandatum excuſare debuiſſe. Propoſ. D. Deputati Groning. &c. Item Deductio ordin. Zeland.

Ingenti ſtudio & ſpectatâ fide placita procerum peragere molitos fuiſſe, denique juxta eorundem decreta atque mandata Tractatui finem impoſuiſſe, adeò quidem ut nihil amplius reliquum eſſit ad conſummationem, quàm ut utrinque fierat ratihabitio. ibid.

the *United Provinces*: yet did *their Provincial Superiours* justifie them for *Honest men*, and true *Natives of Holland*: This, and the interposition of *Cromwel*, saved *them* from *punishment*; and silenced all contests upon *that subject*.

This *mutual defensive Alliance* and *secret Article* did secure the greatness of *Cromwel*, not only against the *Republicans* and *Sectaries*, but *Royalists*; who, together with *His Majesty*, were excluded from any *Aid* or *Assistance* out of *those Provinces*, and not permitted *to reside there*. It depressed the House of *Orange*, and all *that party*; It advanced *Holland* so far above the other *Provinces*, that They *gave Laws* to them ever since; till their *Arrogance* and *Perfidiousness* made *them* insupportable to the *rest of the Provinces*, as well as to *their Neighbours*, and so expedited their *present calamities*.

It is remarkable, that notwithstanding that *Cromwel* and the *Dutch* had pretended so fervent zeal for the *advancement* and *protection* of the *Reformed Religion*, and *Houshold of faith*, during the *Treaty*, yet in the *Articles* there is not *any mention* made thereof; neither were *All the Protestants* comprehended *in the League*. It is also observable, that the *said League* was never well kept on the part of the *Hollander*, but so violated in the *East* and *West-Indies* and elsewhere, that *Cromwel* determined to fight *them* again upon the *first opportunity and leisure*. The Lord *Nieuport* came over to pacifie *Him* a little before His *death*, and attended *in mourning* at his Funeral: and was the *first* Embassadour which condoled *His late Highness's death*, and congratulated the advancement of *Richard*, hoping that the *same firm League* and *Peace* might be continued between *His Highness* and *those States*, which had been between them and his *Princely Father*: He delivered His message in a publick Audience, and received an Answer conformable to *His desires*: But yet, whereas by the *Eighth Article of that League* they were obliged to defend *Him* against *all His Enemies*: The *Dutch* contributed nothing to his support, but quietly permitted *Him* to be *deposed*, and immediately (before He had resigned) courted those at an *Audience within the House*, which had so injured *their good Friend and Ally*.

Interim in Articulis nihil dictum de Religione. Leo ab Aitzma p. 852.

Florus Anglicus, part. 2. p. 280.

ib. p. 315.

Upon a due regard unto the *Considerations* and *Reasons* alledged, We think it *our duty* humbly to declare, that *We* are entirely satisfied with the *Righteousness* of the *present War* with *Holland*: and that *Common Equity*, and the most *infallible Reasons of State* did oblige *His Majesty* to vindicate the *Dignity of his Crown*, and the *Honour of His Kingdoms*; as also to assert those *ancient* and *inseparable Regalities* which do not only *adorn*, but *chiefly support His Crown*: We do thankfully acknowledge the *constant endeavours* of His Majesty to promote the *Trade* and *welfare* of *His subjects*, and to preserve them from being *injured* and *oppressed* by the depredations of the *Dutch*: And seeing that the *Perfidiousness* of the *Hollanders* (who have no regard to *Oaths* and *Promises*, no sense of *Religion*, *Honour*, or *Moral Honesty*) did render *All Leagues* with *Them* infirm and instable: Seeing Their *dilatory* and

treacherous

treacherous Negotiations did render any *Treaty* with *Them* unſafe, in ſo perillous a juncture as the *puiſſance* of the *French King* and their *juglings* with that *Court*, made *Us* to be in; We cannot but admire and celebrate thoſe *Counſils* by which *We* enjoy an *undiſturbed peace*, and *tranquility of our Conſciences* at home, and are ſecured by a *potent* and *victorious Navy* at Sea. It is the *prudent conduct* of *His Majeſty* (next under God) which hath ſeaſonably prevented that *deſolation* whereunto the *Hollanders* would have ſubjected Us, by tranſporting hither the *French Armies*: We are not redevable to *their care* or *kindneſs*, for that *We* are free from a *calamitous war* and all the *miſeries* which the *United Provinces* do now ſink under: That *Our condition* is not the ſame *with Theirs*, it is a felicity we derive from the *wiſdom*, *vigilance*, and *Generoſity* of our *Prince*, who hath indefatigably buſied *Himſelf*, expoſed his *only Brother* to all the dangers of *the Sea*, and the perils of thoſe *dreadful Fights*, and exhauſted *His proper Treaſury* to ſupply the preſent exigence, and to enſure the *Eſtates of His Subjects*. May *all his Subjects* be ſufficiently ſenſible, *How much* They owe unto *His Care* and Goodneſs: May *their acknowledgments* equal *His merits*; May every one by *His Royal Example* contribute what *He* can to the *General* welfare of the Nation: May no *Animoſities* divide our Minds: No *impertinent quarrels*, No *unneceſſary* and *unſeaſonable* debates retard or diſtract our *Conſultations* and *proceedings*: But may all *adviſes*, and *actions* tend to the *common utility*; which all *Intelligent* and *Loyal* perſons muſt meaſure by the *Riches*, *Strength*, and *Honour* of *their Sovereign*: Such ought to be the *Prayers*, *Wiſhes*, and *Sentiments* of every *Engliſh* Man.

Here followeth a *Memorial*, read and delivered to the Lord of *Hemſted*, *Adrian Paaw*, extraordinary *Embaſſadour* from the *States General of the United Provinces* unto the pretended *Parliament* of the *Common-wealth of England*. *June* —— 1652. Wherein the *Importance* of the *Right* of the *Flag*, and of the *Dominion of the Britiſh Seas*, and of the *Fiſhery*, together with the *Rights* of *England* thereunto, are deduced and demonſtrated.

This *Memorial* was *originally* very brief in compariſon of what it is *now*: It being not the mode of *thoſe Times* to alledge any *proof* by way of *Autority*: I have found out, conſulted, and ſupplied the *deficient Citations*, which if they are not thoſe *They went upon*, are, I am ſure, ſuch as the Reader *may rely upon*. And I have inſerted *them* frequently into the *Text*, as conceiving it more *convincing* and *agreeable* to the phanſie of any *Reader*, If the whole were repreſented as an *entire piece*, and He not diſtracted with the *multitude* of *References* by way of *Poſt-ſcript*: Who prepared and penned it, I cannot tell, but it was (as I am told) ſuperviſed by Sir *Henry Vane* (and others of the *Commiſſioners*) and any man will find it anſwerable to that opiſſion which the world had of *His parts and abilities*, who was the chief *director* and *manager of that war*, and whoſe conſtant *judgment* it "was, that the "Intereſts of *England* and the *United Provinces* were "as irreconcileable as thoſe of Rivals, *Trade* being to both Nations,

"what

" what a *Miſtreſs* is unto Lovers; that there nev[illegible] yet ſince [illegible]rene
" any durable peace, except both Nations did unit[illegible] *Coalition*, or
" the Engliſh ſubjugate the others, and reduce them into a *Province*,
" or by ſtrict conditions and contrivances enſure themſelves againſt
" the growth and future puiſſance of the Dutch.

About the middle of *June*, 1652. A conference was held betwixt the Commiſſioners from the *Council of State*, and the Lord *Adrian Paauw* Kt. Lord of *Hemſted*, Extraordinary Embaſſadour from the *United Provinces*. In which the ſaid Embaſſadour expatiated upon the *mutual intereſt* both Nations had to preſerve *peace* and *amity*; the *great ſincere affection* which the *Dutch* continued to bear unto the *Engliſh*; the *reciprocal bonds* of profeſſing the ſame *Reformed Religion*, and the dangers that might befall *Proteſtancy* in general, ſhould ſuch *important Members* thereof ingage in a war: That *Chriſtian blood* was *precious in the ſight of God*, and ought not raſhly, or on *a ſlight occaſion* to be *ſhed by Men*: that the fight in the *Downs* was *caſual*, and not deſigned by *His Maſters*: That The *ſtriking of the Flag* was but a *Ceremony of Honour*, and matter of *compliment*, about which *He* hoped the " true Profeſſours of the Goſpel of peace, meekneſs, long-ſuffer-
" ing, and brotherly love, would not conteſt unto blood: that how-
" ſoever, His Superiours did never pretend, nor ſhould pretend to diſpute the *Honour* and *Dignity* of *this Common-wealth*, which they repute the *firſt* and *moſt conſiderable* in *Europe*: That no *Deliberation* had been made, No *Reſolution* taken, No *Commiſſion* directly or indirectly given to their *Vice-Admiral* for to undertake any Diſpute againſt the *Fleet* and *Ships* of the ſaid *Common-wealth* upon the *Controverſies* and *Differences* of the Sea: And that " The Ships of war meeting at
" Sea, and behaving themſelves as before and during the time of the
" former Government, there ſhould be thereupon no more Diſpute hereafter.

The ſaid Embaſſadour in a *Memorial* given into the Council of State, *July* 24. 1652. acquainted them that the *States General* had by a *publick Act*, declared and decreed *thus much*. See it in the *Declaration* p. 3. & p. 46.

Some *Reply* was *then* made, but a full Anſwer was tendered and *read* unto Him at the next conference, to this effect.

My Lord,

WE are very glad to underſtand from *your mouth* the *ſincerity* with which you profeſs the *true Reformed Religion*, and that *cordial affection* with which you declare your ſelves to ſeek *Amity* and *Friendſhip* with *this Nation*: We would put as good a conſtruction upon the *Intents* of *your Superiours*, as the regards of *our own ſafety* will permit; and certainly a " prudent and due reſpect to our own preſer-
" vation, is not repugnant to the *Goſpel*, or *Proteſtancy*; But we cannot conclude otherwiſe *from the Actions* of *your States*, then that the late attempt in the *Downs* aroſe from a formed and premeditated Deſign, " To uſurp the known Rights of *England* in the Seas, to deſtroy the *Fleets* that are under God, their Walls and Bulwarks, and thereby expoſe this Common-wealth to be *invaded*, or otherwiſe *impoſed upon* at *your* pleaſure. During an actual *Treaty* for a nearer Union, offered by *your ſelves*, you took a reſolution to equip out 150

ſayl

sayl o. besides what were already in your service; and of this *your Em* ; *dours* gave notice to the *Parliament* March 15. 1652. Whether this intimation was made to *amuse*, or *terrifie* us, your Superiours do best know: but *such extraordinary preparations* were not requisite at *that time* to secure the *Trade* and *Navigation* of the United Provinces, when *they had no Enemy abroad:* which upon *the Rules and Maximes of State*, was a just cause of *Jealousie* unto the *English*, and *They* had reason to put themselves into a posture and condition to defend themselves, and *their known Rights at Sea.* Nevertheless *this State* proceeded so slowly therein, that until their Fleet was actually assaulted by *Trumpe*, and thereby the true reason of *preparing so great a Fleet* made evident, they had not increased their Fleet by *one Ship:* and, in fact, there were not above 22 Ships of their Fleet at Sea, *May* 19. 1652, when they were assaulted by the *Dutch* Navy: and We were so unprovided whereby to answer those exigencies, that we were constrained to hire about *fifty Merchant Ships* to strenghthen and reinforce the Fleet. How confidently soever *you* aver, that *Van Trumpe* had no instructions to undertake *any dispute* against the *Fleet* or Ships of this Common-wealth, upon the *controversies and differences at Sea*, yet it is notoriously known, and *He* himself avowed it, that "He had no Orders to take down his Flagg. The which *Omission* we cannot reconcile with your so *Christian* desires to preserve a *good correspondence*, *strict League*, and *nearer Union* with this Common-wealth: It being an *indirect* way and course to *create a quarrel* at any time. Others of your *Captains* have been reproved, and *threatned with the loss of their Heads*, in case they did *strike the Flag* unto Us; and 'tis most true, that *Van Trumpe* refused to *do it*; and seconded his *refusal* with acts of the *highest hostility*. From whence we can make no other deduction, then that the words *you* use of *Unity*, *Peace*, *League*, *and a very near Friendship*, are different from what *you imagine* and *purpose*; and that *Noble work* which you say all *honest men* wish for, especially *all the Churches of the Reformed Christian Religion*, is not at all pursued or intended by the *States General of the United Provinces*. Wherein have *you* demonstrated the least *sincerity* in your *Negotiations* with this Common-wealth? How *unheartily*, and *dilatorily* did *you* deal with *our Embassadours* at the *Hague* in relation to their Errand? whereby those endeavours for Friendship became fruitless. When *your Embassadours* came hither, How *amicably* were they received? And with what *delayes* did they protract the *Treaty*? When *positive demands* were pressed, they were evaded *in things not of the hardest resolution*, with Allegations of *want of power*; though their *Commission* shewed no such restraint: yet to obtain *further Power*, Returns must be made to *their Superiours*; and before *Answers* could be had, the *Provincial States* must be Assembled: the which gave small grounds of any *real intendment* of a *firm Peace*, and Amity.

Leo ab Aitzma hist. tract. pacis *Belg.* pag. 762.

Declarat. pag. 8.

See Major *Bourne's* relation: in the Parliaments answer to Three papers, &c. A.D. 1652. See the *Depositions* in the aforefaid Answer to the *Three papers.*

The *Dutch* in their Declaration of War at that time, do confess *He* did not *strike the Flag* and *Sail*; but that *He* was going to *Lower his Topsails*, which *Blake* prevented by a *suddain attacque*. *Leo ab Aitzma*, hist. tract *Belg.* p. 759. *Declarat.* p. 7. 8.

As to the business of the *Flag*, How meanly soever *you* think of it, and however *you* represent it as too *trivial a subject* to give beginning to a *War*, We cannot look *thereon* but with different considerations.

Were

Were it only an *Honorary Salute*, and *Ceremony*; yet since it is such an *Honour* as hath been paid to *our Ancestours* for above *four hundred years*, since it is of such an advantage to the continuance of the *renown of this Nation*, and serveth to imprint *new reverence* in the *forreigners* that render it, and adds so much to the *courage* of those *our Sea-men* that exact it: *We* should not consent to relinquish *it*: No *Rules of Prudence*, no *Maxims of State* would authorise the deed. *We* know how much it imports a *State* that it be *reverenced abroad*; and that *Repute* is the *principal support* of any Government: it equally influenceth the Subjects *at home*, and *forreign Allies*. No Nation in the world is more tender of *their honour* then the *English*; none more impatiently tolerate the diminution thereof: With what resentments would not only the more *generous* and *noble*, but even the *popular* and vulgar *Sea-men* detest Us, should *this Age* remit or loose *that Regality*, those *acknowledgments*, which their *Predecessours* with so *much glory* asserted, and the neglect whereof was alwayes punish'd as *open Rebellion*? We are confident the *Nation* would be so provoked at the *indignity* of such an action, that to avoid an *uncertain ruin* by the forces of *Holland*, we should precipitate our selves into evident danger of perishing by the *English* fury. And we doubt not but you, my Lord, by this time find in your *own reason*, an Apology for *our* being resolute in *this point*; you must needs be convinced that We ought not to abandon a *Ceremony* which is of so *high concernment*. It is no policy to attempt the change of *inveterate customs* and *usages*: Even *errours*, and *abuses*, are upon this account *legally* tolerated. Let us then so adjust the matter, Let *Equity* and all those inclinations you express for *Us* as "Neighbours, English-men, and partakers of the same "Faith, induce *you* to continue those *Honorary respects* to the Ships of war of this Nation, which All the *Neighbour-States* and *Princes*, and which *you your selves*, and your *Progenitors*, have constantly exhibited: Which *you* may do without *detriment* or *disgrace*; But *We* cannot forbear to demand without our unspeakable prejudice. *Private persons* move in *another Sphear*, and act by *other Rules* then *Soveraign Powers*: The regards of *Credit* with them, may oftentimes yield to those of *Utility*, or other *Motives*; the *publick* receives little of *injury* thereby, nor is *their wisdom* questioned for such *punctilio's*, if they relinquish them for *other emoluments*, or *peace-sake*: But *Soveraigns* cannot transact so: Their Subjects, *The People* participate in *their Honour*, and *Indignities*; They have a *propriety*, a *direct Right* in the *former*: Soveraigns cannot alienate or suffer *their Honour* to be impaired, because it is not really *Theirs*: it appertains

Selden. *Mare claus. l. 2. c. 26.*

In omnibus rebus vetustas ipsa plurimum habet dignitatis: ita ut Massalienses quorum præstantissima creditur fuisse respublica, laudentur eo nomine, quod gladio ad puniendos sontes usi sint eodem à conditâ urbe, quò indicarent in minimis quoque rebus antiqua consuetudinis momenta servanda. Proxime enim ad Deum accedit Antiquitas, Æternitatis quâdam imagine. Grotius de antiqu. re p. Batav. in præfat.

Cæteris mortalibus in eo stare consilia, quid sibi conducere putent: Principum diversam esse sortem, quibus præcipua rerum ad famam dirigenda. Tacitus Annal. l. 4. Kingdoms are preserved by reputation; which is as well their strongest support in peace, as their chiefest safety in time of war. When once they grow despised, they are either subject to forreign invasions, or domestic troubles. *Card.* Bentivoglio. *Relat. of* Flanders, *concerning the Prince of* Conde's *flight.*

Si fama tua videtur neceſſaria ad rectam muneris tui adminiſtrationem, non potes condonare. Leſſius de Juſtit, l. 2. c. xi. dub. 24. Sect. 126.

to the *Nation* univerſally, and *They* are all effectually injured by *ſuch tranſactions*; either becauſe the *Indignity* doth directly extend unto *them*, or becauſe the *Government* and *Authority* is thereupon weakned and prejudiced, which is the *greateſt* of *Civil detriments* that can befall a *People*, though *ordinarily* they are not aware thereof. As *prudence* doth thus diſtinguiſh betwixt the demeanour of *private* and *publick* perſons; So doth *Chriſtianity* it ſelf: for albeit that the *Goſpel-precepts* do oblige *particular perſons* to bear *injuries* and *contumelies* with patience, and to ſurrender even the *Coat* as well as *Cloak*; yet is not this ſo to be conſtrued, as if even *private Chriſtians* were to yield up their *Civil rights* to every *inſolent*, that would encroach upon and *uſurp them*; or that *they* were to deprive themſelves of thoſe *reparations* which the *Law*, and *Government* affords them: Neither is it ſo to be underſtood as if the *Civil Magiſtrate* in *Chriſtendome*, might not ſecure himſelf of that *obedience*, and *reverence* which is due unto *his dignity*, but *bear the ſword in vain*. Do not therefore go about to teach Us *patience*, that *you* may more eaſily *wrong us*: Do not inſinuate the concerns of the *Proteſtant Churches*, the intereſt of *Religion*, the Evangelical rules for *peace* and *brotherly love*, that *You* thereupon may deprive Us of *our Rights*, deſtroy our *Fleets*, ruine our *Trade*, and either ſubject *Us* to *Your States*, or render *Us* a facile conqueſt for *any invader*.

Hitherto *We* have acquainted *you* with the *value* we ought to place upon the *Right of the Flag*, were it only an *Honorary ſalute:* with what *preſcription* we claim it; and with what *injuſtice* you refuſe it. We now adde, that The *Engliſh Nation* did never regard it *only* as a *Civility* and *Reſpect*, but as a "Principal Teſtimony of the unqueſtionable "Right of this Nation to the Dominion and Superiority of the ad- "jacent Seas, acknowledged generally by all the Neighbour-States Declaration p. 9. "and Princes, and particularly by *You* and *Your Predeceſſours*, be- "ſides many moſt authentick Records and undeniable proofs, toge- "ther with a conſtant practiſe in confirmation thereof: Yet did a "Captain of yours refuſe it, affirming that If He did it, He ſhould "looſe his Head: Your *Vice-Admiral* denied it to the *Engliſh* Admiral, and menaced ſuch as rendered that *ſubmiſſion* to our Ships. We do not upbraid *you* with meer *incivility* in this procedure; though the *grandeur* of *England*, and the *obligations* which the *United Netherlands* have to *this Nation*, might contain *you* from being *rude*: It is the *abſolute* and *ſubſtantial Soveraignty* of the *Britiſh Seas*, which on *our parts* by ſuch a deportment as the ſtriking of the *Flag* or *Topſail* to our Ships on *thoſe Seas*, is required to be acknowledged, and ſo hath been for *many hundred years* underſtood, *agreed unto*, and *acknowledged* by the Nations of *Europe*.

Seld. mare claus. l. 2. c. 24. *Le Mere oſt del ligeans del Roy, come de ſon corone d' Angleterre.* Fitzherbert *tit.* Proteſtion. 46

Would *you* know the extent of this *Maritime Dominion*; our *Engliſh Laws* have alwayes reckoned upon the *Four Seas*; Such as are born thereon are not Aliens; and to be *within them*, is to be within the *Ligeiance* of the *King*, and *Realm of England*. The *Records* of *Parliament*

liament in the dayes of King *Edward* III. and *Henry* V. proclaim it, that *thoſe Kings* and their *Progenitors* had ever been *Lords of the Sea*: And, God forbid that ever there ſhould be any *Parliament* in *England* that ſhould conſent to *eraſe thoſe Records*, or caſt *dirt* upon them by *renouncing* the *Soveraignty* aforeſaid. In the *Records* of the *Tower*, there is a *Libel* relating to the times of *Edward* I. and *Philip the fair* of *France*, in which the *Procurators* of moſt Nations bordering upon the *Sea* throughout *Europe*, as the *Genoeſes*, *Catalonians*, *Almains*, *Zelanders*, *Hollanders*, *Frieſlanders*, *Danes* and *Norwegians*, beſides others under the dominion of the *Roman-German* Empire; All theſe joyntly declare, That "The Kings of *Eng-*
"*land*, by Right of the ſaid Kingdom, from time to
"time, whereof there is no memorial to the contra-
"ry, have been in peaceable Poſſeſſion of the Sove-
"raign Lordſhip of the Sea of *England*, and of the
"Iſles within the ſame, with power of making and
"eſtabliſhing Laws, Statutes, and Prohibitions of Arms, and of
"Ships otherwiſe furniſhed then Merchant-men uſe to be, and of
"taking ſurety and affording ſafe-guard in all caſes where need ſhall
"require, and of ordering all other things neceſſary for the main-
"taining of Peace, Right and Equity among all manner of People, as
"well of other Dominions as their own, paſſing through the ſaid Seas,
"and the Soveraign Guard thereof. — Out of *this Libel* we deduce,
that "The Kings of *England* had then been in peaceable poſſeſſion of
"the ſaid Dominion of the ſaid Sea of *England* by immemorial pre-
ſcription. That "the Soveraignty belonged unto them, not becauſe they
"were *Domini utriuſque ripæ*, as when they had both *England* & *Normandy*,
"and ſo were Lords of both Shores: (For *Edw.* I. at this time had not
"*Normandy*) but that it is inſeparably appendant and an-
"nexed unto the Kingdom of *England*, Our Kings being
"Superiour Lords of the ſaid Seas, by reaſon (as the
"ſaid Record ſpeaketh) of the ſaid Kingdom. And
ſince that the *Soveraignty of the Sea* did appertain to
the *Engliſh Kings*, not in *any other Right* then that of
the *Kingdom of England*, you cannot doubt the *Title*
by which *Our preſent claim* is deduced. 'Tis in *right*
of *Britannia* that *We* challenge *it*: 'Twas in *that right*
the *Romans* held *it*: This claim juſtified K. *Edward* III.
and his *Roſe-nobles*: Though there are other reaſons,
regarding to the *Lancaſtrian line*, which yield a colour
for the uſe of the *Portcullis* in the Royal banners of
England; yet (as we read) in reference to his
Maritime Dominion K. *Henry* VIII. did imbelliſh his *Navy Royal* there-
with: and Q. *Elizabeth* ſtamped it upon thoſe *Dollars* which *ſhe* de-
ſigned for the *Eaſt-India* trade. *A. D.* 1600. thereby expreſſing *their*
power to ſhut up the Seas with the *Navy Royal*, as it were with a *Port-*
cullis. This *Dominion* of the *Britiſh Seas* did authenticate the procla-
mation of K. *James* in 1609. ordaining *your Fiſhermen* to take *licenſes*

Le Roy & ſes nobles progenitors de tout temps ont eſté Seigneurs del mere. Selden. ibid. c. 23.

Seldan. mare clauſ. l. 2. *c.* 27,28. Sir *John Boroughs*, Keeper of the Records of the *Tower* of *London*: In a Treatiſe of the *Soveraignty* of *the Britiſh Sea*. Printed in 1631.

The *right* unto the *Sea* ariſeth not from the poſſeſſion of the *Shores*: the *Sea* and *Land* make *diſtinct territories*: and as the loſs *of one Province* doth not infer that the *Prince* muſt *reſign up the reſt*; ſo the loſs of the *land territory* doth not by *concomitancy* argue the loſs of the *adjacent Sea*. It is no more neceſſary that every *Sea town* ſhould command 100 miles at Sea; then that *each City* ſhould command 100 miles *by land*. *Iul. Pacius de dom. maris Adriatici.*

Q. *Malines* Lex Mercatoria part. 1. c. 35.

at *London*, and *Edinborough*: This justified the *like Proclamation* in K. *Charles*, and warranted the E. of *Northumberland* in his *naval expedition*, in 1636.

'That *Prescription* is valid against the claims of *Soveraign Princes*, 'cannot be denied by any who regards the Holy *Scripture*, *Reason*, the 'Practise, and the *Tranquility* of the World: That the *Dutch* challenge 'the Freedom *to fish in the Brittish Seas* by *Prescription*, is certain: But 'Prescription depends not upon the *Corporal*, but *Civil* possession; and 'that is retained, if *claim* be but made so often as to bare the *Prescription contrary*, and it be evident by frequent *Medails*, or retention of 'Arms, or the like, that the *Civil possession* is not relinquished. Our 'Kings have constantly claimed the *Dominion of the Sea*, none else pretending to it, and *all* acknowledging it to be in *them*, till the most 'modern *Dutch* arose: They never abandoned *their Right*, and *These* 'Medails (which are all *Elias Ashmole* Esq; could help me unto) preserve their *claim*. 1. The *Britannia* of *Antoninus*. 2. Appertains to 'Edward III. 3. To *Henry* VI. 4. To *Edward* IV. 5. To *Henry* VII. '6. To *Henry* VIII. 7. To *Edward* VI. 8. To Q. *Mary*. 9. To Qu. 'Elizabeth. 11. To K. *James*. 12. To K. *Charles* I.

Would *you* know of what *importance* the *Dominion of the Sea* is unto *this Nation*? Hereupon *alone* depends Our *Security*, Our *Wealth*, Our *Glory*. From hence *We* have a *Right* unto all those *advantages* and *emoluments* which the *Venetian* Republick draw from the *Hadriatick* Sea: where the Ships of the grand *Seignior*, of the *Emperour*, King of *Spain* and *Pope*, pay customs to maintain *those Fleets* which give Law to *them* within the *Gulf*.' Tis hereby that *We* can *shut* or *open* these Seas, for *Ships* or *Fleets* to pass and repass them: Whereto Queen *Elizabeth* (your best *Friend* and *Protectress*) had so special a regard, that when the King of *Denmark* and the *Hanse-Towns* solicited Her Majesty to permit them *free passage*, they transporting *Corn* into *Spain*: She refused it to *them*; and when a *protestant* Fleet of *Hamburghers* had presumed to *do so*, notwithstanding *Her prohibition*, She caused Her *Navy Royal* to burn them, when they were passed *Her maritime Territory*, and within sight of *Lisbon*. *June* 30. 1598. yielding this reason for her *justification*, That "they not only relieved "Her Enemy with provisions, But had presumptuously made use of "Her Seas, without obtaining Her Royal permission for so doing. 'Tis hereby that *We* can justly demand an account of any *Ship* or *Ships* occurring in the said *Seas*, what their intentions are? And prohibit any *State* to enter *there* with *potent Fleets* without *pre-acquainting us* therewith, and desiring *Our permission*: without the which *Right*, we could never live *secure* on shore; It being easie for any *forreign Fleets* to amuse us with *specious pretenses*, and in *their passage* to invade and surprise Us: Thus whilst the *Turk* pretended to sail for *Malta*, He occasionally possessed himself of *Canea* in the Isle of *Candia*. Many *such presidents* do occur in *History*: and in fear of *such surprisal*, the *Athenians* (being *Lords at Sea*) did exclude the *Persian* Monarch from sending any *Men of war* into any part of the *Ægean*, *Rhodian*, *Carpathian*,

Selden. mare clausum l. 2. c. 20.

Proculdubiò nè Mari Anglicano *injussu Regiæ* temere uterentur. *Joan. Marquardus* JCtus. de jure mercator. l. 1. c. 36. Sect. 42.

Selden l. 1. c. 11.

I
ANTONINVS AVG PIVS PP TRP COS III
IMPER
S
C
BRITANNIA

V

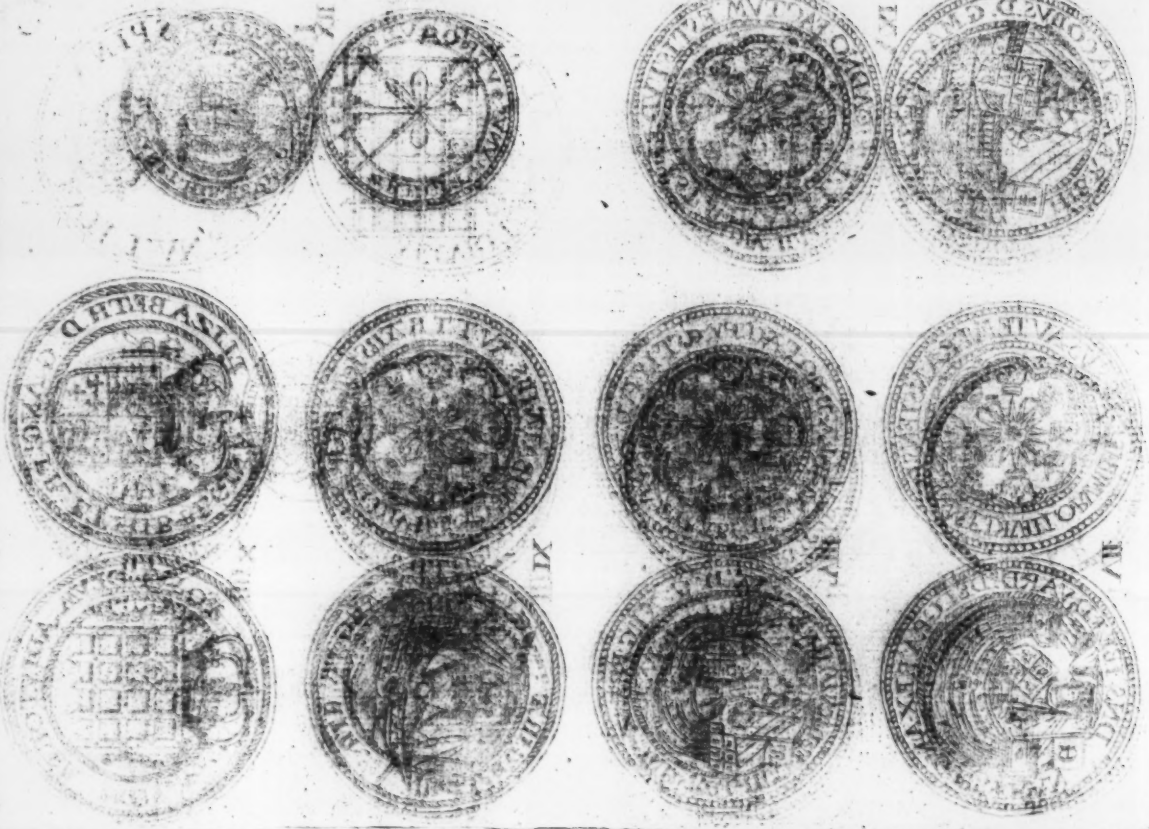
II

III

SECVRITAS ALTERA
VI

IIII

ROSA SINE SPINA
C



VII

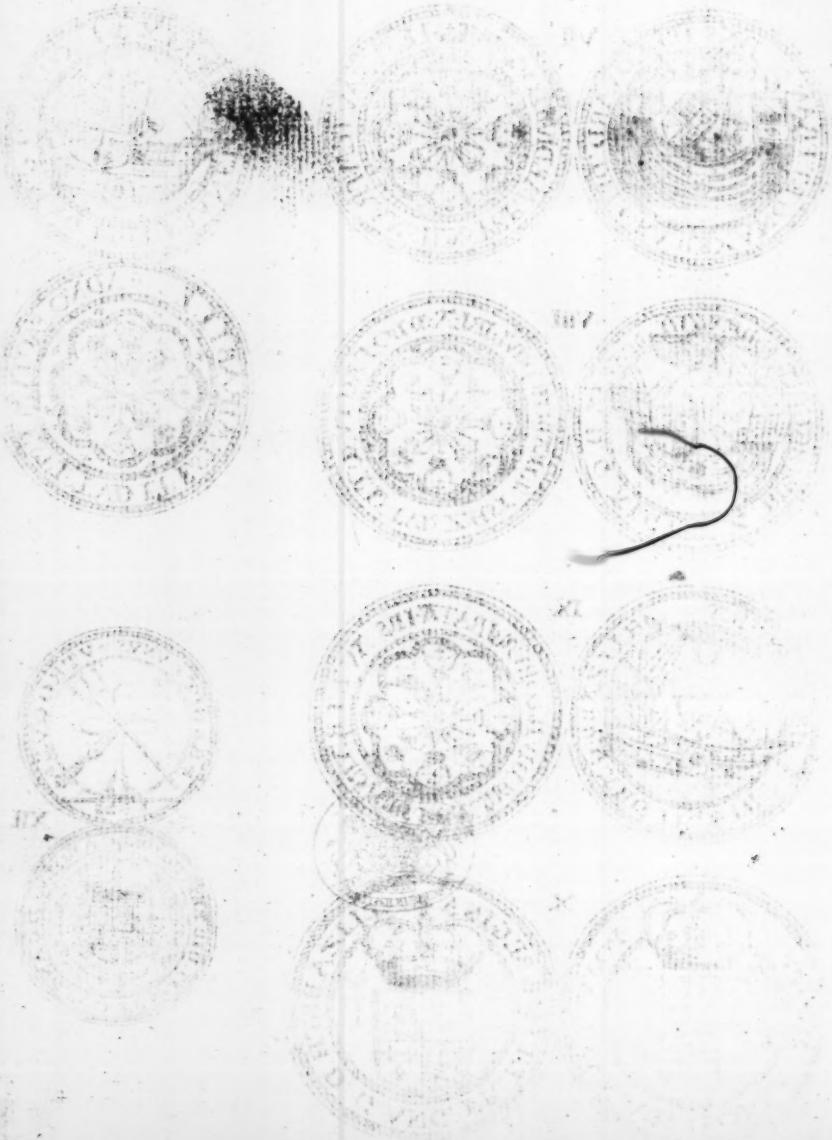
VIII

IX

X

XI

XII



thian, and *Lydian* Seas, and that which bends thence into the *Weſt*, towards *Athens*: Thus the *Carthaginians* prefixed limits to the *Roman* navigation, that *they* ſhould not ſail beyond a determinate *Promontory*. The like *caution* was uſed by the *Romans* againſt King *Antiochus*, and the *Carthaginians*: And the *Turk* prohibits all Nations, ſaving *His vaſſals*, to enter the *Black Sea*, or *Pontus Euxinus*: and alſo the *Red Sea*. We adde, that 'tis by force of the ſaid *Right* that We can drive on *Our Commerce*, navigate our ſelves, and permit others *ſecurely* to trade with *Us*. It is true, *You* have preſumed *ſeveral times* of late years to violate the *ſecurity* of *Our Seas*, by attacking the *Allies of England*, not only within *Our Seas*, but in *Our Harbours*: You preſumed heretofore to purſue a *French* veſſel as far as *London*: You have more then once attacked the *Spaniſh* Ships in *Our Ports*, and under the Protection of *Our Caſtles*; and particularly *We* do tell you, that the *Honour of this Nation* ſuffered much by the aſſault which you moſt *inſolently* (and contrary to the faith given by *your Embaſſadours*, and *Vice-Admiral*) made upon the *Spaniſh* Fleet in the *Downs*: in 1639. *Such Indignities*, if they be longer tolerated, All that trade to *England* will find themſelves under a neceſſity to confederate with you, or to take *Paſſports* from you. Neither can you well deny that the *Dominion of the Sea*, is of ſo *great concern* unto *England*, ſeeing *Your Anceſtours* urged Q. *Elizabeth* to receive the Soveraignty of the *Netherlands*, becauſe "the annexing "thereof to the Realms of Her Majeſty, imported "ſo much as the abſolute Government of the great "Ocean Sea, and by conſequence an aſſurance and "perpetual felicity to the Subjects of her Majeſty. And *you* muſt excuſe us for inſiſting upon *that*, ſince it is our *clear Right*, the which *we* might with *ſome colour* preſs you and others to yield unto *Us*, though *We* were otherwiſe *in the wrong*: So *high* and *urgent* are the concerns of *Governours* for the *welfare*, *tranquillity* and *ſecurity* of their people.

In right of this *Dominion of the Seas*, do we appropriate to *Our ſelves* the *Britiſh Fiſhery*, and exclude *all others* from the *free uſe thereof*, except *Licenſe* be obtained, or the ſame be *conditionated* for by *Treaty*. It is moſt certain, that "were the Sea free for Com-"merce and Navigation, yet would it not *thence* follow, that "'twere lawful for every one to fiſh therein: for Divers private grounds, have through them (by *Preſcription*, *grant*, or *purchaſe*) ſome, *Iter*: ſome *Actum*: ſome, *Vium*: Yea, no man, that may there *lawfully paſs*, may alſo *lawfully digg*, to his gain, or otherwiſe, *In itinere*, *Actu*, or *Via*, of that ſort, without.

id. lib d. c. 13.

id. ibid. c. 14.

Alberic. Gentil. Hiſpan. Advocat. l. 1. c. 14. See Secretary *Cooke's* Letter to Sir *William Boſwell*, *April.* 16. 1635. at the end of the Engliſh *Seiden*.

Scilicet hoc factum Hollandorum eſt contra juſtitiam omnem pro certo: & contra reverentiam qua pertubus & territoriis debetur alienis. Alber. Gentilis *Hiſpan. Advocat. l.* 1. c. 14.

Ceſte cy entre autres merite bien une conſideration ſpeciale, que la communication des dits pais d' Holland, Zeeland, Friſe, & des villes de l Eſcluz, & Oſtende in Flandres avec les Royaulmes de voſtre Majeſté, emporte & Soy d' Empire de la grand mer Oceane, & par conſequence une aſſeurance & felicite perpetuaille pour les ſubjects de voſtre ſereniſſime Majeſte. John Stow's *ſupplement to* Holliſhed. A. D 1585.

Take notice, that the *Dutch* did ſolicite the pretended *Commonwealth*, that the *Intercurſus magnus* might be ratified: and in their *ſecond propoſals* (containing 36 Articles) tendered to the *Council of State*, by the Lord *Catch*, *Scharp* and *Vander Perre*, Art. 18. They deſired a *freedom of Navigation*, and of *Fiſhing*. The Commiſſioners rejoyned, That, *the rights of England being reſerved*, They ſhou'd condeſcend to ſuch terms in reference to the *fiſhing*, as *Reaſon* and *Equity* ſhould direct. *Leo ab Aitzma*, p. 774.

out

out further and *due licenſe* obtained. So all *High-wayes* are counted *common* and *publick*, to travail on: But for any *private* man (though He be a *Subject*) in any part thereof to digg for any *Quarry of Stone*, or *Mine* for *Oare*, or *Stone-coles*, &c. It is not lawful: though He would fill it up again, as well as He found it at firſt. Concerning this *Right to the Fiſhing*, it hath been alwayes acknowledged by *Forreigners* to appertain to *England*: and ſuch *Flemmings* and *Hollanders* as uſed to repair to the *Herring-fiſhing* on our coaſts, did conſtantly take *Licenſes*, and *ask leave* to *fiſh* at *Scarborough*-caſtle, by an *immemorial cuſtom*. For (ſaith our great *Antiquary*, Mr. *Cambden*) the *Engliſh* have ever granted *them* leave to fiſh; reſerving alwaies the *honour* and *priviledge* to *themſelves*, but, thorough a kind of *negligence*, reſigning the *profit* to ſtrangers. It is evident, that at ſuch time as the *Danes* and *Norwegians* did exerciſe their *Soveraignty* over the *North-Sea*, they did not permit any *Strangers*, either *Flemmings* or *Engliſh* to fiſh *near Shotland* without *Licenſe* previouſly obtained: as appears by the *Daniſh* records, and other *Muniments* preſerved in *England*: If any did preſume to fiſh without *Licenſe*, they were puniſhed *with the loſs of life and limbs*: and beſides this *Licenſe*, they were obliged to repair to *Bergben* to pay their *cuſtoms* and *duties* to that *King's Exchequer*. And this is avowed to have been practiſed conſtantly *time out of mind*, A. D. 1432. And in a Treaty betwixt K. *Edward* IV. and *Chriſtian* I. King of *Denmark* and *Norwey*, A. D. 1465. It was agreed that "no Engliſh ſhould ſo much "as ſail upon any pretenſe into thoſe *particular Seas* "and *Iſlands* without the *Permiſſion* of the Kings of "*Norwey*, upon penalty of looſing life and goods.

Cambden. Britannia. in the deſcription of *Yorkſhire*, and of *Scarborough* caſtle. Hitchcocke Newyears gift to Q. *Elizabeth. edit. Londin.* 1580. Selden. *mare. clauſ. l.* 2. *c.* 21.

Rex Norwegia &c. *habet inſulas aliquas videlicet Iſlandiam*, Feroy, Hietlandt, *& alias plures ad regnum ſuum Norwegiæ pertinentes, ad quas nulli ab antiquo ſolebant accedere de terris alienis ex quibuſcunque cauſis, ſive* piſcandi *ſive mercandi-ſandi, ſub pœnâ vita & membrorum; non magis homines regni Norwegia, quàm aliarum terrarum, præter* ſpecialem licentiam *regia Majeſtatis*, &c. Iſacius Pontanus *diſcuſ. Hiſtor. l.* 1. *c.* 21. Selden. *mare clauſ. l.* 2. *c.* 32.

Iſ. Pontanus. ibid.
Selden. ibid.

Afterwards, by vertue of *Leagues*, this *ſpecial licenſe* was ſo diſpenſed withall, that ſuch *Engliſh* as traded thither were only to take a *New licenſe* once in *ſeven years*: And even *this* was *diſcontinued* A. D. 1521. upon the expulſion of King *Chriſtierne*, by reaſon that the *Right* of the *Daniſh crown* was in controverſie; ſo that the ſucceeding Kings

id. ibid. c. 21. inſiſted not *thereon*: until King *Chriſtierne* IV. did exact *it*, and *more*, of the *Engliſh*: Q. *Elizabeth* offering that her Subjects of *Hull* and elſewhere, ſhould ſubmit to *that*. Upon *this Quarrel* there paſſed *ſundry diſputes* and *Embaſſies* betwixt that *Queen* and *Chriſtierne* IV. In the ſame condition were the *Hollanders* and *Flemmings*, they being excluded *thoſe Seas*, though permitted to *trade* and *fiſh* about the Kingdome of *Norwey*: Nor did they ever *fiſh* in *thoſe Seas*, but by *Special Licenſe* or *General indult* of the Kings of *Norwey*: and albeit that the *Licenſe-money* were abated, yet were they obliged to *pay the Kings cuſtoms* upon the *fiſh* ta-

Zuerius Boxhorn. Apolog pro navigat. Hollandor.

Thus the *Hanſe Towns* by a perpetual League with *Woldemar* K. of *Denmark*, though they had the Liberty to *fiſh* in the Sea near *Schoneland*; yet for every laſt of Herrings brought on *ſhore*, they paid 10 *d.* in the money of *Schoneland*; and every veſſel laden with *herrings* was to pay 11 *ſ.* for its paſſage thorough the *Sound*. A. D. 1370. *Ioan. Angelius* de rebuſp. hanſeat. part. 3. c. 24

ken

ken by them; and in order *thereunto*, to bring all their fiſh *on ſhore*, and there to pack it up, that the *King* might not be defrauded of *his rights*: as appears by the *Indult* given them by King *Woldemarus*, A. D. 1324. This *Dominion of the Sea* was never diſputed in *thoſe dayes*, as to the King of *Norwey*; and the *Rights* of *Shetland* being paſſed over to the Kings of *Scotland*, A. D. 1470. (or rather, 1468.) by *Chriſtian* I. upon the marriage of his daughter *Margaret* with *James* III. the *ſame powers* were veſted in the Kingdom of *Scotland*, which were before inherent in that of *Norwey*: And the like *Laws* and *Uſages* eſtabliſhed: All *Fiſher-men* being obliged to *bring their fiſh on ſhore* at ſome of the *free Ports*, and there to pay the *Aſſize-herring*, and other *dues*: the which *Aſſize-herrings* and other *cuſtoms* upon the *Fiſhery* had been continued *immemorially* in thoſe *Seas* immediately appertaining to the *Realm* of *Scotland*, and not ſubject to the dominion of *Norwey*. And a *Scotch* Lawyer ſpeaking about the *fiſhing* in the *Eaſtern* Sea of *Scotland*, writeth thus. "I cannot omit to tell you, that in the paſt "Age, after a moſt bloody quarrel between the Scots and Hollan-"ders, about occaſions belonging to the Sea, the matter was com-"poſed in this manner, that in time to come the Hollanders ſhould "keep at leaſt fourſcore miles diſtant from the Coaſts of *Scotland*. "And if by accident they were driven nearer thorough violence of "weather, they paid a certain tribute at the Port of *Aberdeen* before "their return; where there was a Caſtle built and fortified for this "and other occaſions: and this was duly and really paid ſtill by the "Hollanders, within the memory of our Fathers, until that by "frequent diſſenſions at home, this Tribute, with very many other "Rights and Commodities, came to nothing, partly thorough the "negligence of our Governours, and partly thorough the boldneſs "of the Hollanders.

Parlam. 4. Jacob. R. 6. c. 60. Parlam. 6. ejuſdem c. 86. *Jacob* 6. p. 15. c. 237.

Gul. Welwodus de dominio maris. c. 3.

In a Treaty betwixt *Mary* Q. of *Hungary*, Regent of *Burgundy* for *Charles* V. and the Tutors of *Mary* Q. of *Scotland*: and renewed by *James* VI. 1574. The whole Treaty is related by *Peter Borrel*. 30.

'I have not opportunity to procure *on the ſuddain*, any exact intel-'ligence from *Scotland*, concerning the tranſactions there relating to '*Scotland*: but that inquiſitive perſon *Gerard Malines* informs me that 'after this Agreement betwixt that Crown and the *Dutch*, that the *latter* 'ſhould not fiſh within *eighty miles of the Coaſt*, leaſt the Scholes of '*Herrings* ſhould be interrupted: King *James* before his coming into '*England*, did let the fiſhing of *Scotland* to the *Hollanders* for *fifteen* 'years. If this happened to be done at ſuch time as The *Dutch* ſent 'their *Embaſſadours* to the *Chriſtning* of Prince *Henry*, A.D. 1594. We 'may compute the time as expired in 1609. at what time King *James* 'iſſued out his *Proclamation*, enjoyning all to take *Licenſes*. It is cer-'tain, that *they* did *then* very much careſs *that King*, that *they* preſented 'the Prince with above 400 ounces of *fine Gold*, and a *Deed ſealed*, 'whereby the *Royal Infant* was to receive 5000 Florins annually out 'of *Camp-vere*: So ſaies *Meteran.* and *Reidanus*, A.D. 1594. And They 'did renew the *Perpetual Treaty* of 1551. betwixt *Mary* of *Hungary*, Re-'gent of *Burgundy* for *Charles* V. But it is meerly a *Defenſive alliance*, & 'obligeth them to fiſh 80 miles from the Shores, as appears in *P. Borre* '*lib.* 30. It is certain the King could not any way alienate the *Royalty*

of

'of the *Aſſize-herring*, by the Laws of *Scotland*; what the King might 'connive at, or *diſpenſe with* (as to *Licenſes*, or nearer approach to 'the *Coaſts*) in regard of the *ſaid ſum* (pretended to be paid to the 'Prince) 'tis more eaſie to *conjecture*, then *determine*. It were to be 'wiſhed that ſome *Scottiſh Antiquary* would inform *Us* of the *Rights* 'and *Uſeges* of *Scotland* concerning *their fiſhing*. I am told there is a 'Record in *Scotland*, whereby the *Hollanders* do covenant to pay K. *Mal-* 'colme a *Roſe-noble* for every *laſt* of *Herrings* caught on *thoſe Shores*.

As for the *Iriſh Seas* it is likewiſe evident, that *Licenſes* were there iſſued out unto each *fiſhing Veſſel*; and there is a *Statute* of the Parliament in *that Kingdom* under *Edward* IV. (in the *fifth* year of his reign) enjoyning all Fiſhers *of other Lands* to repair to the *Lieutenant*, *Deputy*, or *Juſtice* of that Realm for ſuch *Licenſes* to be obtained. Moreover, K. *Philip* the ſecond, K. of *Spain* (and Duke of *Burgundy*) in the firſt year of Q. *Mary*, obtained licenſe for *his ſubjects* in general to fiſh upon the North-coaſt of *Ireland*, for the term of 21 *years*, paying yearly for the ſame 1000 *pounds*: which was accordingly brought into the Exchequer of *Ireland*, and received of Sir *Hen. Fitton*, being then *Treaſurer* there; as his Son Sir *Ed. Fitton* hath often teſtified.

Statut. Hibernic. 5. Edw. 4. c. 6.

Sir John Boroughs of the Soveraignty of the Seas. & Gerard. Malins Lex mercat. f. 35.

Out of all that hath been ſaid, it is evident that *this* effect of the *Dominion of the four Seas*, which relates to the *diſpoſing of the fiſhery*, by giving *Licenſes* to fiſh, & exacting other *dues*, & enacting of *Laws* about it, doth appertain to the Engliſh, as now united with *Scotland* and *Ireland*: And it will appear further by the *Acts of Indulgence*, whereby the Kings of *England* have at ſundry times permitted *other Nations* arbitrarily to fiſh in *their Seas*. It is manifeſt, that none ever fiſhed *therein* (but by uſurpation) without *ſpecial Licenſe*, or *general Indult*: It is alſo manifeſt, that there never was any *Act of State* by which the *Seas* were permitted to be promiſcuouſly fiſhed in by *all forreigners* whatſoever: But to particular *Nations* and *Corporations* there have been *ſeveral Indults* of that nature. As, to the Subjects of *France*; *Henry* IV. iſſued out his *Letters* unto all his *Admirals*, that they ſhould not moleſt the *French* in their fiſhing for *Herrings*, or other *fiſt*, throughout that part of the Sea, which is bounded on this ſide by the Ports of *Scarborough* and *Southhampton*, and on the other ſide by the Coaſt of *Flanders*, and the mouth of the River *Seine*. This was granted to the K. of *France* upon a *truce* betwixt the two Crowns: and the *time was limited* for the ſaid *fiſhing*, betwixt *Autumn* and the firſt of *January*. Moreover, it appears by Records, that *Henry* VI. gave leave particularly to the *French*, and very many other Forreigners, "for one whole year only (ſomtimes for ſix moneths) &c. "to go and fiſh throughout the whole Sea at all "times, and as often, &c. But this *Leave* was granted under the name even of a *Paſſport*, or *Safe-conduct*; yea, and a ſize or proportion was preſcribed to their *Fiſhing-boats*, that they ſhould not exceed avove 50 tuns. It is true indeed, there was a kind of conſideration or condition added in theſe, and *other grants* to be mentioned, "That ſuch as were

Rot. Franc. 5. Hen. 4. Sept. 29. Selden. mare claus. l. 2. c. 21

Sir John Boroughs of the Soveraignty of the Sea.

Rot. Franc. 33 Hen. 6. Membrum. 9. & 14.

Selden, mare claus. l. 2. c. 21.

So in the Intercurſus magnus, it is ſaid that the Fiſhermen of both parties ſhall fiſh without Licenſe, or impediment. That is, reddendo ſingula ſingulis, the Dutch without Licenſe, the Engliſh without impediment or moleſtation: or, the Engliſh did not uſe to fiſh upon the Flemmiſh coaſt, but both upon the Engliſh.

Subjects

" Subjects of the King of *Engl'and*, might in fiſhing, enjoy the ſame ſe-
" curity with Forreigners. Which was for this cauſe *any* put into the
Licenſes, that if the *forreigners* did diſturb and moleſt *them*, they ſhould
looſe the benefit of the *Licenſe*. Alſo upon a *truce* betwixt *Edw.* IV.
and *Francis* Duke of *Bretaigne*, it was Articled, that The *Fiſher-men* of
Bretaigne might *peaceably*, and without *Safe-conduct*, attend upon their
occupation *by Sea*. And the King of *France* himſelf, in the reign of
K. *James*, and K. *Charles*, continued (as his Predeceſſours did) to requeſt
leave for a few veſſels to fiſh upon the Engliſh coaſts near *Rye*, and
that only for proviſion of *his houſhold*, being tied to obſerve the Or-
ders and Laws of the *Engliſh* fiſhery; for breach *whereof* divers of
his ſubjects have been taken and impriſoned in *Dover-caſtle*, and elſe-
where. The Company of the old *Hanſe-towns* in the firſt year of Q.
Mary, had alſo *liberty to fiſh within the ſaid Seas*, upon certain conditi-
ons, as appeareth in the Chappel of the *Rolls of Chancery*. As to the
Flemmings and *Netherlanders*; there was a *Letter* written by *Edward* the
firſt, and *Proclamation* made, that the *Hollanders*, *Zelanders*, and *Frieſ-
landers*, being in amity with *England*, might ſecurely fiſh about *Yar-
mouth*. Upon the *ſame day*, in favour of the Earl of *Holland*, and his
ſubjects, *He* ſet forth three Men of war toward the farther coaſt of
the Sea, " for the ſafe-guard (as *He* ſaith in another Letter) of thoſe
" veſſels belonging to your & our own Country, that are in theſe days
" employed about the Herring-fiſhing, *&c.* and to *guard your Coaſts*
" near the Sea. Here *He* grants a *Protection* to fiſh: and in both the
Letters, He limits it within the ſpace of *two moneths*. He alone alſo
protected the *Fiſhermen* upon the *German* Coaſts (which by reaſon of
its nearneſs, *He* calls here *your coaſt near the Sea*, in his Letter to the
E. of *Holland*) as well as upon the *Engliſh*. There is likewiſe a *Record*,
that *Henry* VI. did by a Treaty betwixt *Him* and the Dutcheſs of *Bur-
gundy*, grant unto the ſubjects of *Brabant* and *Flanders*, the liberty to
fiſh in *his Seas*, without impeachment or diſturbance. So in a *truce*
to endure for *thirty years* betwixt the K. of *England* and his Heirs on the
one party, and the D. of *Burgundy* and his Heirs on the other party,
one Article is, " That the Fiſher-men may ſail and fiſh, without be-
ing obliged to ask leave, or to take Licenſe, or Safe-conduct. The
aforeſaid *Article* was afterwards inſerted into that famous *League of
Commerce*, called *Intercurſus Magnus*, and *Intercurſus Hæreditarius*, made
betwixt K. *Henry* VII. and *Philip* Archduke of *Auſtria*, Duke of *Burgun-
dy*, A. D. 1495. wherein *They* contract for *them* and *their Heirs*, That
" the Fiſhermen of both their Dominions, of what condition ſoever
" they be, may ſail any whether, and fiſh peaceably, without any im-
" pediment, licenſe, or ſafe-conduct. The ſame intercourſe was ra-
tified again by *Henry* VIII. when He made a peace with *Charles* V. And
by virtue of *that League* did the *Dutch* enjoy the priviledge of *fiſhing*
in the *Britiſh Seas*, without any *Licenſe* or acknowledgment of K. *Ed-
ward* VI. Q. *Mary*, and Q. *Elizabeth*: The laſt *Queen* did never treat

Sir *John Borough* *Rot. Fran.* 8 *E.* 4.

This is averred by Secretary *Naunton* in a letter to Sir *Dudley Carleton*, Dec. 2. 1618. printed with the *Engliſh Selden* as alſo by Sir *John Borough*, *Gerard. Malines Lex Mercator. part.* 1, *c.* 36. *Rot patent.* 23. *Ed.* 1. *Memor.* 5. *Said. mare claus. l.* 2. *c.* 21. id. ibid.

Sir *John Borough* of the Sovereignty of the *Sea*.

What this *Duke* was I know not: but Sir *John Boroughs* doth juſtifie the *Record*.

Intercurſus magnus c. 14. *edit. per* Zuer. Boxhorn. *cum Apologiâ pro navigat.* Holland. *Everard. Reidanus Annal. Belg. l.* 11. *ad An* 1558 In the year 1596. when a *League*

was made betwixt the *Queen*, *France*, and the *Dutch*: the Q. refuſed to admit the *Dutch* as a *third party*, but rather to be compriſed *under her*, as their *Protectreſs*: But the K. of *France* would treat with, and comprehend *them* as a *Free people*. id. ibid. *l.* 12. *A. D.* 1596.

with *you* as a *Republick*, nor ever intended that *you* ſhould be *ſuch*: but *She* protected *you* as *Subjects* to the Houſe of *Burgundy*, whom *She* deſired to preſerve free from the *uſurpations* and *tyranny* of the *Spaniards*. After that *England* and *Scotland* were united in the perſon of K. *James*, the condition of that *League of Intercourſe* was much altered: For the *League* being made by a K. of *England* only, did not include the K. of *Scotland*, nor entitle the *Dutch* to fiſh in *thoſe Seas* without *licenſe*, much leſs exempt them *there* from paying the *Aſſize-herring*, and other *cuſtoms* which were an *unalienable part* of the *Regalities* of that *Crown*: Moreover *you* were *then* in 1609. acknowledged by the *Heirs* of the *Houſe* of *Burgundy* (*viz.* the K. of *Spain*, the Arch-dukes *Albert* and *Iſabella*) to be "Free States upon which they had no pretenſions at all: And if the Houſe of *Burgundy* had no pretenſions upon the *United Provinces*, It is manifeſt that the *United Provinces* could not *pretend* to any thing by virtue of a *League* made *purely* with the Duke of *Burgundy*, "his Heirs and Succeſſors, their Dominions and Territories, their Vaſſals and Subjects, "that either then were, or afterwards ſhould happen "to be ſo: For *They* are not *Vaſſals* and *Subjects* to the *Succeſſours* of the Duke of *Burgundy*, who was the *Contractour* at that *League*: They are no more included therein then the K. of *Denmark*, or *Sweden*: Nor can *They* pretend that though *They* be no longer *Subjects* to the Houſe of *Burgundy*, yet *They* are *in deed* the *people* included in the *League*: for when a *Government* is changed from a *Republick* to a *Monarchy*, or from a *Monarchy* to a *Dukedom*, or *Republick*, it is not *legally* the *ſame*, but the *former* becomes *extinct*, as to *Leagues*, *Priviledges* and *Preheminences*: and this hath been adjudged a thouſand times by the beſt *Civilians*, and the common practiſe of *Princes*. You muſt not therefore inſiſt upon any *Right of fiſhing* by that *League*; nor can *you* reckon the *time paſt* wherein *you* have enjoyed the fiſhing *without licenſe*, into an *immemorial occupancy* and *preſcription* againſt the *Engliſh Title*: For unto a *Legitimate preſcription*, It is requiſit that the perſons claiming *thereby*, ſhould be *poſſeſſed immemorially* of the thing *claimed*; But *you* were never *poſſeſſed* of the *Brittiſh fiſhery*: A *tenant*, How long ſoever He hold the *Land*, doth not *preſcribe* againſt *His Landlord*; and *He* with whom any thing is *depoſited*, *lent*, or *entruſted* in *another's behalf*, cannot challenge *it* by *this title*, though after *two hundred years*. That which is held by virtue of *compact* or *League*, or upon *ſufferanze*, without *renunciation of right*, can never become the poſſeſſours by

Card. *Bentivoglio* Hiſtory of *Flanders*, patt. 3. l. 8.

This is expreſſed in the *firſt Article* of that *League*.

This ſame argument would exclude them from the League of 1551. made with *Mary* Q. of *Hungary* in behalf of *Charles* V. had there been any thing of the *fiſhing* therein: which yet is never averred by the *Dutch* in any *Writing* or *Memorial*.

Nam ut ſubtiliter *non ſit iſta Reip. mutatio: tanta eſt alteratio tamen, ut nec nomen maneat, nec eadem dici Reſpublica poſſit.* Alberic. Gentilis de jure belli Commentat. 3 p. 205. Florentino *duci ambienti ex jure veteri Reipublicæ Florentinæ præcedentiam ſupra* Ferrarienſem *ducem juriſconſulti maximi abjudicârunt item,* quòd Status Ducis non eſſet idem ac Reipublicæ. *Novus ſtatus eſt, ſi de* populari *mutetur in* Monarchicum [*& vice verſâ*] *& tum nec* ſubrogatum *tenet jus ejus* in cujus venit locum: *quum ſit* diverſæ naturæ. — *Nomina quæ* ſpeciem *ſignificant, ſi mutentur,* ſpeciem *mutant. Si nomen* Regni *mutetur in* ducatûs *nomen, extinguitur* Regnum. Albericus Gentilis in diſput. 2. de Unione Regnorum Britanniæ.

Confirm. jure Civili. Nam L. Mile agitur. C. de *præſcriptione* 30 annorum, ſic dicitur. *Malè agitur cum dominis prædiorum, ſi tanta precariò poſſidentibus prærogativa defertur, ut eis poſt* 40 *annorum ſpatia qualibet ratione decurſa inquietare non liceat.* Vide L. *Leſſium* de juſtitia, l. 2. c. 6. dub. 2. *Lud. Molina* de juſtitiâ, tract. 2. diſp. 62.

Pre-

Preſcription. The *League* did not give away the *Engliſh Dominion of the Seas*, but gave unto the *Subjects of the Houſe of Burgundy* a freedom to fiſh *therein* without *License*. The *general Civil Right* did ſtill continue in the *Engliſh*; and at the *ſame time* that you fiſhed without *License*, the *Engliſh rights* were aſſerted by enforcing *others* to take *license*, and pay the *Aſſize-herring*: And if your *fiſhing* without *licenſe* could *preſcribe* for any body, the Houſe of *Burgundy* muſt reap the benefit *thereof*, and not the *Free States of the United Netherlands.*

We conclude, that it is not only the *undoubted Right* of *England* to diſpoſe of and direct the *Fiſhery*, but to appoint *Wafters*, or *Men of War* to ſecure the *Fiſhers*, and to exclude all *other Ships* from *that employment*: and withal, to take a *ratable proportion* of every *fiſher-bark* towards *their coſts* and *expenſes* in ſecuring the *fiſhing*. Thus K. *Edward* IV. inveſted three perſons with the Naval power, whom the Records call *Cuſtodes*, *Conductores*, & *Waftores*; *Guardians*, *Conductors*, and *Wafters*, whoſe office it was to guard the Fiſher-men upon the coaſt of *Norfolk* and *Suffolk*. To the end therefore that the expenſes of the *Guard* might be defraied by the *Fiſher-men*, and all others whatſoever excluded from medling with this kind of *Guard* or *Protection*, He appointed four Men, by name Sir *John Hemingham* Kt. *William Hopton*, *Edmund Yve*, and *John Wansfleet* Eſq; as well (ſay the Records themſelves) to over-ſee thoſe *Guardians*, *Conductors*, and *Wafters*, as to give notice to all *Fiſher-men of what countrey ſoever*, who ſhall deſire to fiſh in the parts aforeſaid, under the *protection* of the ſaid *N. N.* that thoſe Fiſher-men, and every of them do contribute to all and all manner of Coſts, Charges, and Expenſes belonging to the ſame *Guardians* and *Conductors* in the time of *fiſhing*, according to a certain proportion: They are alſo to *arreſt*, apprehend and commit to goal *any elſe* that ſhall preſume to act as *Wafters* and *Conductors*. And there are *Letters Patents* of the *ſame tenour* iſſued out by *Richard* III. and *Henry* VII. with this additional clauſe, that "no fiſhermen were to be exempted "from the ſaid payments, though they had Letters of publick ſecu-"rity and protection from other Princes.

Seldeni mare clauſ. l. 2. c. 21.

id. ibid.

Sir John Boroughs of the Soveraignty of the Sea, doth recite the Record at large.

Hither to we have given you a plain and perſpicuous account of the *Fiſhery*, what *Intereſt* and *Right* the *Engliſh* have thereunto: And, If we do demand any thing for *ſpecial Licenſes*, or one *in General*, to be renewed *annually*, or after *term of years*, It is no more then you *your ſelves* perform and comply *willingly* with in the Seas of *Denmark*: That King receiving at his *Ward-houſe* in the Sound for a *Licenſe* one *Dollar*; and for the *Seal*, or *Roſe*, a *Noble* of every Ship: and for every *laſt* of *Herrings* (being 12 barrels) one *Doller*. In *Ruſſia* many leagues from the *main*, the *Fiſhermen* do pay great taxes to the Emperour, and in moſt places, none but the *Natives* are permitted to *fiſh*; but where the *Hollanders* are permitted to *fiſh*, there *they* pay every *tenth fiſh* to the *Emperour*. The King of *Sweden* amongſt the *Regalities* of that *Crown*, hath that of the *Tenth fiſh* caught in *his Seas*, or if not *that*, then a *General compoſition* for the *fiſhery*: He hath alſo ſeveral *diſtricts*, *channels*, or *veins Royal* in his *Seas*, which are appropriated to his *particular uſe*: Nor is there any *fiſhing* permitted in the *open*

Sir John Boroughs of the Soveraignty of the Sea. Gerard. Malines Lex mercatoria, part. 1 c. 35. Ioan. Loccenius de jure maritimo. l. 2. c. 9. Sect 2. Receſſus Holmia de an. 1643. art. 16.

Abſq; venia Magiſtratûs præfecti; portûs Regii directione piſcatio in publico *non eſt permiſſa*, jure portûs Suedico Caroli octavi, Art. 14. & 25. c. 19. Sect. 1. de ædif. LL. prov. Suec. *citante* Locenio, ibid. Sect. 3.

Joan. Botero. l. b. 1. Europ. p. 5. Joan. Palatius de dominio maris, l. 1. c. 13.

Sir. *John Boroughs* of the Soveraiguty of the Sea.

Sea there, but by the *leave* and *direction* of the Governour of the neighbouring Ports. Neither are *theſe* the only *Princes* which either exact money for *Licenſes*, or totally exclude others from *fiſhing* on *their Seas*; In *Portugal* the ſame is practiſed in the Kingdom of the *Algarbes*; and the *Natives* pay a certain *tribute* for their *liberty to fiſh*. In *Spain* the Duke of *Medina Sidonia* doth rent out the *maritime juriſdiction* which *he* hath in reference to *fiſhing*, for *eighty thouſand Duckets* of yearly revenue: and the D. of *Arcos* raiſeth by the *ſame courſe* the annual rent of *twenty thouſand Duckets*. And you *your ſelves* do impoſe taxes on the *Fiſh* taken by *your own Fiſhermen* upon *our Seas*: In ſo much that above 30 *years ſince*, there was paid to the *State* for *Cuſtom* of *Herring*, and other *Salt-fiſh* above 300000 *l.* in one year: beſides the *Tenth fiſh* and *Cask*, paid for *Waſtage*; which cometh to at leaſt as much more. Whereas there ought to be no other *Wafters* tolerated in the *Britiſh Seas*, but what are of *Engliſh* appointment; nor any receive *Convoy-money* but by *their Authority*.

Qui ſuo privilegio alterutur, illud amittit. Jo. Marquerdus de jure commerc. l. 4. c. 3.

Could you claim any thing by vertue of the *Intercurſus magnus*, yet you have notoriouſly violated *thoſe Articles*, and forfeited thoſe *Priviledges*, by moleſting our *Fiſher-men*. You have with *your Buſſes* and *Dogger-boats*, come nearer and nearer to the *Britiſh coaſts* year by year, then you did in former times, without leaving any bounds for the *Engliſh* and *Scotch*, to fiſh upon their own coaſts; and you have affronted and ſeized upon ſeveral for *enterfering* with *your Fleets of Buſſe*; your *Wafters* terrifie *them*, and you frequently let ſome of your greater veſſels drive thorough *their nets*, thereby to endamage the *poor men*, and to deterr *them* from fiſhing *near you*. Thus you *anticipate* and *intercept* the great *Scoles* of *white fiſh*, and the *Scotch* and *Engliſh* have no advantages, but upon the broken *Scoles*; and they are ſo broken, and ſo far ſcattered away from *our Coaſts*, that few are found *worth the taking*: So that the *Engliſh* and *Scotch* now buy of *you* their *own Herrings*: againſt which there were *Laws* enacted by K. *Henry* VIII. *An. regn.* 33. which continued in force until the firſt of Q. *Mary*; and then expired by the artifices of the *Spaniſh* and *Netherland* intereſt corcurring in the perſon of K. *Philip*. To conclude, Be your *Priviledge* to fiſh in our *Seas* what you will, and How valid ſoever, They do undoubtedly ceaſe upon *this account*, that they do intolerably prejudice and endamage the *Engliſh*, the *donors* thereof: and although *they* had been granted *you* upon *valuable conſiderations*, yet upon *this principle* They would ceaſe. Thus Q. *Elizabeth* did abrogate the priviledges of the *Hanſe-Towns* in *England*, when by their *exceſſive trade* and *great immunities* in this nation it appeared, that the *Crown* had ſuffered prejudice thereby to the ſum of a *million* and *an half*: and that they did

See Secretary *Naunton's* Lettet to Sir *Dudley Carlton*. *Jan.* 21. 1618. at the end of the *Engliſh Selden. Welwood's* maritime Laws, Tit. 27.

Sir *John Boroughs* of the Soveraignty of the Sea.

Felinus in c. novit. de judic. n. 8. verſ. 2. & aliis poſtibus ex *Avenno* & ſecundum *Innocentium* ſtatuit. Quod ſi privilegium conceſſum *non ſubdito*, ex poſt-facto enormiter lædat concedentem, præter ejus intentionem, reſolvatur tale privilegium ipſo jure, & poſſit revocari, allegans textum. *in c. ſuggeſtum. de decimis. quib. ad. l. Sejo.* 10. *Sect. penult. ff de annu. leg. & l. fiſtulas.* 78. *Sect. frumenta.* 3 *de contrah. empt.* Facilius revocatur privilegium juris dictionum & Regalium, ſi enormiter poſtmodum lædit. *Jo. Marquardus* de jure commerc. l. 4. c. 3. Sect. 58.

depreſs

depress the *English* merchants, & hinder their commerce, to the great decrease of *shipping* and *Sea-men* amongst Us. Hereby our *fishing* is *discontinued*, our *Shipping* and *Marriners* decreased, our *maritime towns* depopulated, our *General Trade* (and consequently our *home-rents*) diminished, and the whole *Nation* weakned and impoverished: whilst you employ at least 6800 *ships* and *busses* in the *fishing*, and thereby perpetuate a large *Seminary* of 20000 Mariners, who are hereby not only enabled to brook the Seas, and to know the use of the *tackle* and Compass, but are likewise instructed in the principles of *Navigation* and *Pilotage*: you do also thereby supply all *Europe* with *fish*, and engross all *that Trade* which *of right* appertains to the *English*; and the greatest part being sold for *ready money*, you commonly export the finest *gold* and *silver*, and coming home, *recoyn* it of a baser *alloy* under your own stamp: whereby *your Treasury* is advanced, and others impoverished. At the first, *your fishing* was not so great *as it is now*, nor the *dammage* so *sensible* and evident as it is at *this present*: The way of *pickling Herrings* was discovered only in 1416. by *Gulielmus Buckeldius*, a *Flemming*; yet even in the dayes of *Henry* VIII. the *Parliament* complained of the decay of the *English fishery* and *fisher-men*, and made an Act 33 *Henrici*, to this purpose: "Because the English Fisher-men, dwelling on the Sea-coasts, did leave off their Trade of "fishing in our Seas, and went half-seas over, and thereupon the "Seas did buy fish of *Picards*, *Flemmings*, *Normans*, and *Zelanders*, by "reason whereof many incommodities did grow to the Realm, *viz.* "The decay of the wealth and prosperity, as well of the Cinque-"ports, and Members of the same, as of other Coast-towns by the Sea-"side, which were builded and inhabited by great multitudes of peo-"ple, by reason of using and exercising the craft and feat of fishing. "Secondly, the decay of a great number of Boats and Ships. And "thirdly, the decay of many good Marriners, both able in body by "their diligence, labour, and continual exercise of fishing, and ex-"pert by reason thereof in the knowledge of the Sea-coasts, as well "within this Realm, as in other parts beyond the Seas. It was therefore "enacted, that no manner of persons, English, Denizens, or Stran-"gers, at that time, or any time after dwelling in *England*, should "buy any fish of Strangers, *&c.* The *considerations* insisted upon in *this Act*, are much more prevalent with *Us* now, then they could be at *that time*, when the *evil effects* of your *so great fishing* did but begin to diffuse themselves; The towns which were then lessened in their greatness, are now reduced to such a condition, that they scarcely find a place in our *Mapps*: The fishing is abandoned quite, and the *Men* and *Boats* are no where to be found: It was observed in *England*, that by your fishing at *Yarmouth*-coast for *Herrings* for 36 years only, the coasts of *Norfolk* and *Suffolk* decaied in their Ships to the number of 140 sail, and they from 60 to 100 tun, and upwards; besides *Crayers*, and lesser vessels: and hence it arose, that in 1572. the *English* were not able to trade to *Island*, as they used to do, to the great detriment and loss of the *English* Nation. *We* are now brought to *this estate*,

Sir John Boroughs.

Zuarius Bonhorn. Apolog. pro navigat. *Hollandor.* *Io. Isac. Pontanus* discuss. Histor. l. 1. c. 14.

Dr. *John Dee's* British Monarchy, pag. 23.

ſtate, that *we* cannot carry on our *forreign Trade*, or manage our *Naval Force* without retriving the *Fiſhery*: and you muſt excuſe *Us*, if we regard our *own welfare* before *your emoluments*: No tenderneſs to *our Neighbours* ought to induce *Us* to *prefer their Intereſt before that of England*; No *policy* allows *Us* to permit *you* to grow ſo *potent at Sea*, and ſo *rich* in *Trade*, eſpecially by *our detriment*: ſeeing that *this* will be the fatal conſequence thereof, that *you* will in *a ſhort time* devour our Trade, and reduce Us (your former *Protectours* and *Patrons*) to a *precarious dependance* upon the *Power* and *Mercy* of *Hollanders*. Somewhat might be ſaid *for you*, were *your fiſh* the product of *your own Seas*, and your *Trade* the reſult of *your Induſtry*: But the *vaſt commerce* you have (not to tell you of the *Fraud*, and *outrages* upon the *Engliſh* merchants) is principally ſupported by *un-licenſed encroachments* upon *Our Territories*. The *Law of Nations* obligeth you to be *juſt* to every one, and not to enrich or otherwiſe ſtrengthen your ſelves by endamaging others: According to the vulgar ſaying of *Pomponius*, *Neminem debere cum alterius damno locupletari*: and that of *Tryphonimus*; *Ex alienâ jacturâ lucrum haurire non oportet*. We do not deſire *you* to fiſh upon *our Seas*: But if *you* will reap any *profit* out of *them*, common reaſon obligeth you to a *reciprocal* acknowledgment of the *kindneſs*: and it is but *juſt* that *you* ſubmit to the *Taxes* and *Conditions* to be impoſed, in caſe you deſire to draw unto your ſelves the *emoluments*. The common *maxims of State* do authenticate our proceedings, if we totally interdict you *them*; and it is an Argument of our reſpects to *you*, that we offer you to *fiſh* therein, upon *ſuch terms*, that the *profits* which accrue to the *States-General* out of the *ſaid Fiſhery* be tranſferred upon *Us*, to whom They *duly* appertain: For the *Soveraignty of thoſe Seas* doth belong unto *England* by *immemorial preſcription*, *continual uſage*, and *poſſeſſion*, the *acknowledgment of all our Neighbour States*, and the *Municipal Laws of the Land*.

By. Welwood of Maritime Laws.

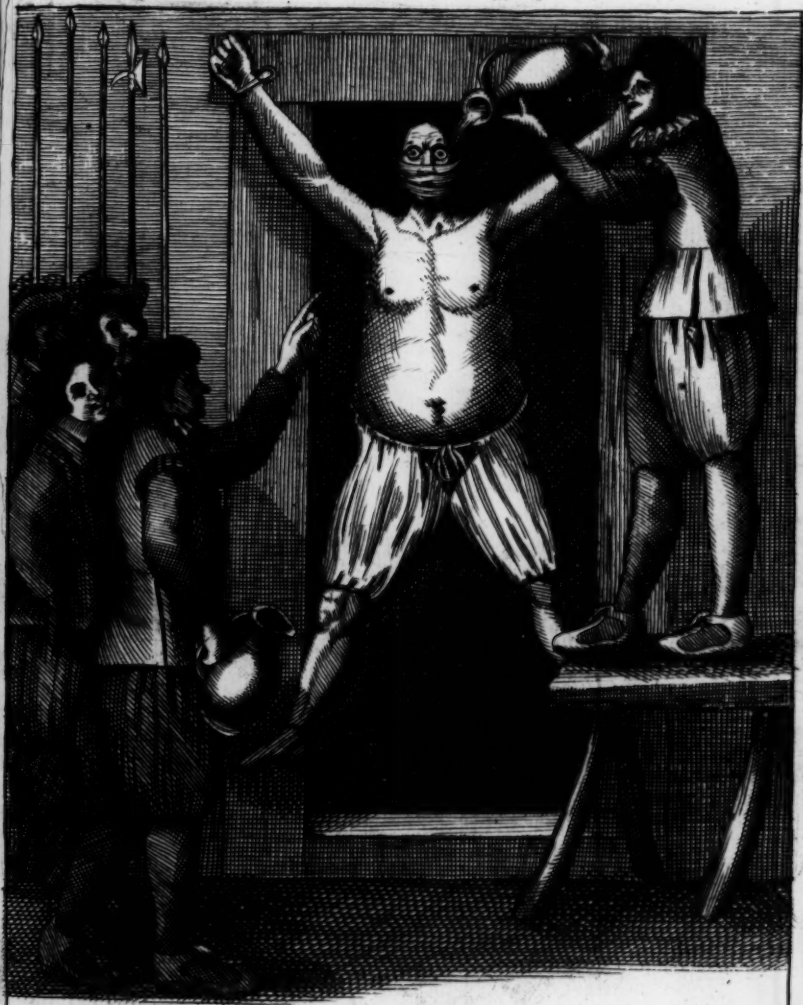
Becauſe the injuries which the Engliſh *Merchants ſuſtained at* Amboyna, *have been the ſubject of much contention betwixt* our Nation *and that of the* United Provinces, *and becauſe the* irregular proceedings, barbarous torments, *and* Death *practiſed and inflicted upon the* Engliſh *factory* there, *were things reſented by K.* James, *remonſtrated againſt by K.* Charles I. *juſtified by the* Dutch, *and revenged by the pretended* Parliament *in the war* 1652. *Yet ſo as that* They *would not conſent to* any peace, *except they which ſtill ſurvived, and were acting and aſſiſting thereat, ſhould be proſecuted by due courſe of* Juſtice: *I have thought fit to adde the Relation of what thoſe* Innocent *perſons ſuffered. What the* Dutch *did to the Actors of that bloody Tragedy, and what* Cromwel *connived at in his dear friends the Province of* Holland.

An Account of the Engliſh, *how* They *were tortured at* Amboyna, *A.D.* 1622. *on* Sunday Febr. 16. *old ſtyle; at which time they were in* Amity *by* ſolemn League, *and* Copartners *with the* Dutch *in that Trade.*

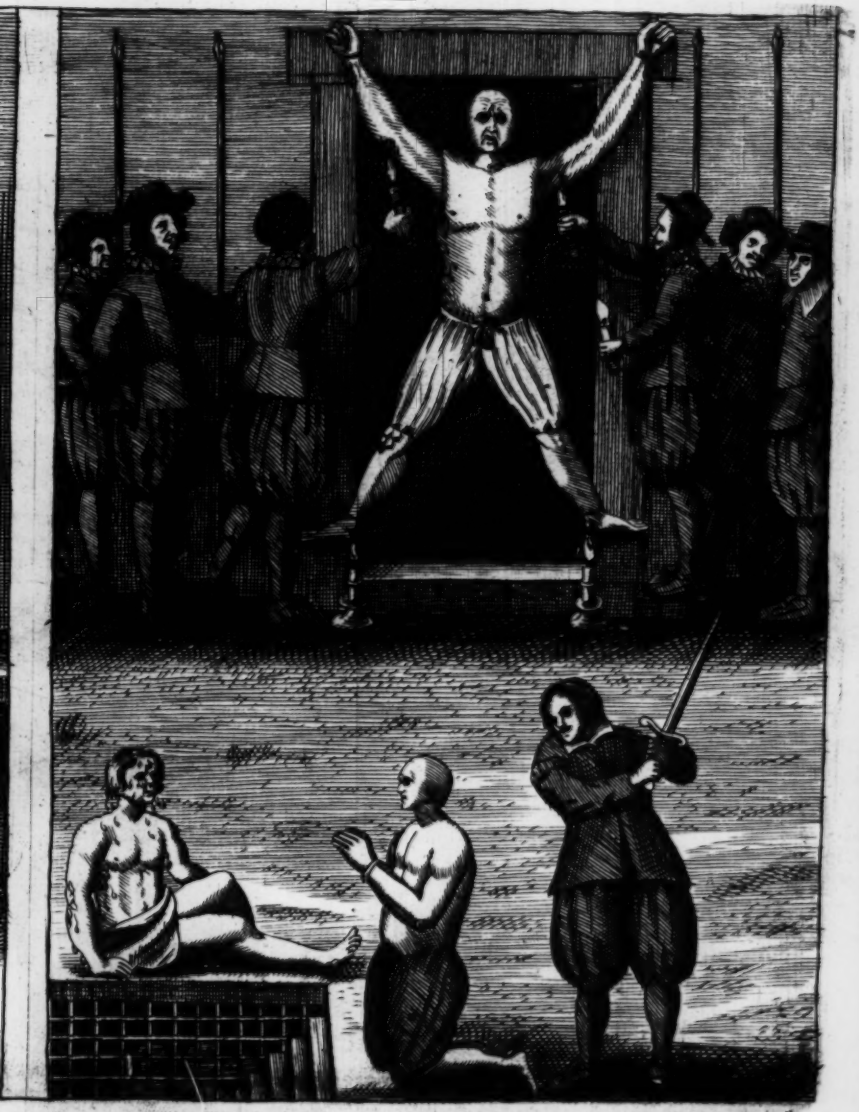
See the Relation reprinted and juſtified. London. *A.D.* 1653.

THE manner of the torture of *John Clark* (as alſo of *Emanuel Toxſon*, and *Timothy Johnſon*) Aſſiſtants to the *Engliſh* Agent there, was as followeth. Firſt they hoiſed him up by the hands with a Cord on a large door, where they made him faſt upon two ſtaples of Iron, fixed on both ſides at the top of the door-poſts, haling his hands one from the other as wide as they could ſtretch. Being *thus* made faſt, his feet

hung



E



hung ſome two foot from the ground; which alſo they ſtretched aſunder as far as they could reach, and ſo made them faſt beneath unto the door-trees on each ſide. Then they bound a cloth about his neck and face ſo cloſe, that little or no water could go by. That done, they powred the water ſoftly upon his head, until the cloth was full up to the mouth and noſtrils, and ſomwhat higher; ſo that He could not draw breath, but He muſt withal ſuck in the water: which being ſtill continued to be powred in ſoftly, forced all his inward parts, came out of his noſe, ears, and eyes, and often as it were ſtifling and choaking, at length took away his breath, and brought him to a ſwoun or fainting. Then they took him quickly down, and made him vomit up the water. Being a little recovered, they triced him up again, and powred in the water, as before, eftſoons taking him down as he ſeemed to be ſtifled. In this manner they handled him three or four ſeveral times with water, till his body was ſwollen twice or thrice as bigg as before, his cheeks like great bladders, and his eyes ſtaring and ſtrutting out beyond his fore-head: yet all this He bare without confeſſing any thing. In ſo much as the Fiſcal and Tormentors reviled Him, ſaying that he was a *Devil*, and no *Man*, or ſurely was a *Witch*: at leaſt had ſome *Charm* about him, or was enchanted, that He could bear ſo much. Wherefore They cut of his *hair* very ſhort, as ſuppoſing he had ſome *Witch-craft*, hidden therein. Afterwards they hoiſed him up again as before, and then *burnt* him with *lighted candles* in the bottom of his feet, until the *fat* dropt out the *candles*; yet then applied they *freſh* lights unto him. They *burnt* him alſo under the *Elbows*, and in the *palms of the hands*, likewiſe under the *arm-pits* until his *inward parts* might evidently be ſeen. Being thus wearied and overcome by the *Torment*, he anſwered *Yea*, to whatſoever *They* asked.

Having thus *martyred* the poor man, they ſent him out by four *blacks*; who carried him betwixt them to a *dungeon*, where he lay five or ſix dayes without any *Chirurgeon* to dreſs him, until (his fleſh being putrefied) *maggots* crept from him in a moſt loathſome and noyſome manner. Thus they finiſhed their *Sabbath-days* work; and it growing now dark, ſent the reſt of the *Engliſh* firſt to the *Smith's* ſhop, where they were loaden with *Irons*, and then to the *ſame dungeon* where *Clark* and the others (*already tormented*) lay, with ſeveral *Japoneſes*, whoſe *ulcers* were *likewiſe* putrefied.

Thus ten *Engliſh* of the Eaſt-India Company (no way ſubjected to the *Hollanders*) were tortured *more* or *leſs* according to their *courage* and *obſtinacy*, until they had confeſſed themſelves guilty of a *Plot*, wherein ten *Engliſh* without *Arms*, without any *poſſible* aſſiſtance from any *other Engliſh Factory*, by the aid of ten ſimple *Japoneſes* deſigned to ſurpriſe the ſtrong Caſtle of *Amboyna*, guarded diligently by two or 300 *Dutch* ſouldiers, beſides as many more Free-burghers in the Town, and which might be eaſily relieved or re-taken by their *neighbouring Caſtles* well manned, which the *Dutch* had in the ſame Iſland.

After this the *Dutch* Governours met, and before ſentence, earneſtly

earneſtly called upon the name of the *Lord*, that He would be pleaſed to be preſident and predominant in every one of their hearts, in this their *ſorrowful Aſſembly*; and that *He* would inſpire them only with that which might be judged expedient and juſt, *&c.* Then they adjudged *them* to be beheaded. They were carried to execution, not the *ordinary way*, but round about in a *proceſſion*, through the Town: the way guarded with five Companies of Souldiers, *Dutch* and *Amboyners*, and thronged with the *Natives* of the *Iſland*, that (upon ſummons given the day before by the ſound of Drum) flocked together to behold this *Triumph* of the *Dutch* over the *Engliſh*. They all at *their deaths* profeſſed that their *confeſſions* were *falſe*, and *extorted* from them by the tenours of the Torment; and diſclaimed that *unimaginable* and *unſeaſible* conſpiracy.

But the Plot was on the *Dutch*-ſide, that *they* might hereby poſſeſs themſelves of the *Spice-trade*; and as *Iezabel* cauſed a Faſt to be kept before judgment againſt *Naboth*, ſo did the *Hollanders* in this caſe. King *Iames* demanded ſatisfaction for *their blood*; they being neither *guilty*, nor *Subjects* to the *Dutch*, nor within *their Dominions*; neither, if they had been, were *they* proceeded againſt by the rules of *Holland*: Their *Iudges* had no *juriſdiction* over them; the proceedings were *arbitrary* and *barbarous*; ſuch as none of *humane race*, much leſs *Chriſtians*, would execute againſt the greateſt Criminals, but theſe *inſolent*, *ingrateful*, *unchriſtian*, *Netherlanders*. Yet no amends could that *King* obtain for the murther of his *Subjects*, or the damage which the *Company* had ſuffered by confiſcation of *their Goods*. The matter was put off with delayes until 1624. And then the *States* deſired 18 moneths time for the recalling of the *Actors of that bloody Tragedy*; but in the mean ſpace King *Iames* dyes; and King *Charles* I. ſucceeds; the *Dutch*, inſtead of diſgracing or impriſoning *Harman van Speult* Governour of *Amboyna*, receive him with great *honour* and *triumph* at *Iacatra*, and inſtead of ſending *him* to *Europe*, according to the directions and command of the *States General* (in a Letter conveyed thither by the *Engliſh*) they made him *chief Commander* of a Fleet of Ships, ſent from thence to *Surat*: and inſtead of making any reſtitution or reparation to the *Engliſh*, which was *promiſed* and *pretended*, they poſſeſſed themſelves of the whole trade of the *Molucco's*, *Banda* and *Amboyna*: about 1632. ſome of the *Iudges* at *Amboyna* returned into the *Low-Countreys*, where they lived *free* and *well countenanced*, and were never puniſhed by their *Superiours*. The remonſtrances of K. *Charles* were ineffectual; and he had employed *his Arms* for reparation, but that the controverſies about *Ship-money* retarded his *Naval ſtrength*, and the ſucceeding troubles in *Scotland* and *England* totally diſappointed him. The loſs our Company received at *Amboyna*, *Banda*, and the *Molucco's*, amounted to 48900 *l.* 15 *s.* beſides other damages. The pretended *Common-wealth*, by their Embaſſadour at the *Hague*, demanded *ample ſatisfaction* for all the loſſes of the *Eaſt-India Company*, and withal, *judgment* againſt thoſe that had ſo murdered the *Engliſh* at *Amboyna*: ſome whereof were then *preſent* in the *States provincial* of *Holland*: In their *Articles*, they inſerted *one* to this purpoſe: and it was agreed to under *Cromwel*: But *he*, to eſtabliſh *himſelf* the better by indulging the province of *Holland* (his deareſt confederates) did not enquire into the affair; having only *pro formâ*, and as it were *for his credit*, inſiſted on that *Article*; or acquieſcing in the *Retroacts* of the *Dutch*, whereby they offered to juſtifie *the procedure*; the which *Retroacts* were printed in *Quarto*, 1633. and diſproved by the *Eaſt-India* Company at the ſame time. Thoſe *Retroacts* were no ſecret in *this Nation*, being publiſhed *verbatim*, with the *Anſwer*: They which firſt urged the *Article*, were not ignorant thereof, and *Cromwel* himſelf was ſatisfied with the *illegality* of the *Action*, until *he* abandoned the regards of *his Conſcience*, to thoſe of *his Ambition* and *Intereſt*.

See the *Preface* to the defenſe of the *Eaſt-India* Company againſt the *Dutch Remonſtrance*. Printed at *London* 1632.

MSS. Comment.

So Mr. *Saint Iohns* ſaith in his Speech to *them*.

MSS. Comment.

O mites Diomedis *Equi!* Buſiridis *Aræ*
Clementes! Iam Cinna *pius, jam* Spartace *ſenis*
Cum Batavis *collatus, eris* ——————

FINIS.